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OF

HUBERT HOWE BANCROFT.

VOLUME XXXV.

CALIFORNIA INTER POCULA.

SAN FRANCISCO:
THE HISTORY COMPANY, PUBLISHERS.
1888

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PREFACE.

So full of oddities, and crudities, and strange developments, consequent upon unprecedented combinations of nationalities, characters and conditions, were the flush times of California, that to condense them into the more solid forms of history without to some extent stifling the life that is in them and marring their originality and beauty is not possible. There are topics and episodes and incidents which cannot be vividly portrayed without a tolerably free use of words—I do not say a free use of the imagination.

Much has been written of the Californian Inferno of 1849 and the years immediately following, much that is neither fact nor fable. Great and gaudy pictures have been painted, but few of them bear much resemblance to nature. Many conceits have been thrown off by fertile brains which have given their authors money and notoriety; but the true artist who, with the hand of the master drawing from life, places before the observer the all-glowing facts, unbesmeared by artificial and deceptive coloring, has yet to appear.

No attempt is made in these pages to outdo my predecessors in morbid intensifications of the certain phases of society and character engendered of the times. They contain simple sketches and plain descriptions, historical rather than fantastical, with no effort toward effect.

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CALIFORNIA

INTER POCULA.

CHAPTER I.

THE VALLEY OF CALIFORNIA.

Hortensio peace, thou knowest not gold's effect.
—*Taming of the Shrew.*

DRUNK! aye, drunk with avarice! Behold the picture; California in her cups!

Once long ago sailors thought to hold in their embrace the god Bacchus, whom they carried to sea in the form of a beautiful boy while sleeping; but when the god awoke he caused vines to twine themselves about the ship, and tigers to appear amongst the branches, while the sailors went mad and drowned themselves. So it was with thousands who came early to California, thinking to ensnare her, and rob her of her treasures, but were themselves taken captive, falling on destruction.

Yet swiftly as this chaff of immigration was swept away, mercilessly as California frowned on many, she was not so much to blame, although for a brief space she played the bacchante, for she was badly treated, worse than Pentheus, who from making open war on Dionysius became the devotee and laughing-stock of

the avenging deity, and bereft of sense was led through the city in female apparel, stricken with mania, with a double sun and a double Thebes before his eyes, finally to be torn to pieces by women. First of all she was made to reveal her mystery, held sacred to the memories of time; for which extortion, like another Pythia, she was placed upon a tripod over the chasm Cassotis, and for a Delphic temple choosing the snow-powdered Sierra, and for the mephitic exhalations the less offensive incense from odorous pines.

Native to sublimated airs and all-engendering sunshine, her intoxication partook more of youthful revels than chronic intemperance; nevertheless, thou wast drunk, California, as thou well knowest; as drunk as Agave when tearing in pieces her own son whom she took for a lion's cub. Thine hills were drunk from the fruit of their own vines; and in the great valley was heard the sullen roar of hell echoing hollow on the ear. All this was exceedingly disgraceful, and especially repulsive in young and lovely woman; whereat, toward the immaculate east, conventional spinsters of untried chastity blushed and hung their heads, though never refusing to receive the fruits of sin.

Between two mountain systems stretches the valley of California, an elliptical, trough-like plain, five hundred miles in length by seventy-five in width; a vast amphitheatre, from whose arena circling terraces rise up to the lofty canopy of a pearl and beryl sky—colossal benches, whereon the gods might sit and watch the strange doings of men below.

Although not gods we some day may be; all gods were once men, or something worse. Therefore come sit with me upon the plateau-shelf up over the hill Mokelumne, near the source of the Stanislaus, where sometime sat Nemesis, eyeing the pilgrims as they entered the Golden Gate, and measuring out to them

their several portions of invented woe. Five thousand feet below, and far as eye can reach, spreads out a periscope of beauty such as makes us loath to put off humanity even to be gods, lest mayhap as gods we should have no sympathy with scenes like this. Often have I thought when standing entranced before entrancing nature, what a pity it was we could not always have her scenes before us; and as for heaven, give it to those who are dissatisfied with earth. Only exterminate north winds, nervousness, and all rascality, and I could rest contented yet awhile here upon this bench, though not a god.

Walled in on every side, without loop-hole or portal save by passes to the plateau regions of Utah and Arizona, and the bay of San Francisco, which across the concave from where we sit, and midway between its north and south extremes, parts the Coast Range, whose green and grizzly hills it crowds back, and paves the way through the Golden Gate to the Pacific, we have before us what was once broad ocean, then an inland sea, afterward a hedged-in Eden, God-given to a thrice happy race, and later converted into a nineteenth-century coliseum, wherein was destined to be performed a play entitled The New Greed-struggle of the Nations. Time enough, however, to talk about that to-morrow. Sit still awhile and we shall presently see, out here upon this holiday of creation, elves and fays, if any there are left for these new Arcadian vales. We can offer them whereon to sport ground which one day will be as classic as that of Greece, plains up-swelling beneath their feet, and slopes of evergreen and sweeps of forest. Then there are warm inviting knolls under star-lit skies, and enchanted groves where heaven's witchery might wanton regardless of irate ocean on one side or shadowless deserts on the other.

When this mighty Sierra was a-building, this grand up-lift, with its fluted sides flushed with never-

dying foliage, its white-cushioned benches, and long serrated summits, its rocky pinnacles whose alabaster crests glisten lustrous to mariners a hundred miles away, when its crevices were being filled with molten gold, a sea of sorrow was about to roll at its base, for the squabble for this treasure that is presently to come will be pitiful to see.

Split a fern-stalk and place it in a dish with the thick ends together, and the leafy sides both lying toward the east, and you have mapped the drainage system of the California valley. The stalks are the two rivers, the Sacramento and the San Joaquin, which, rising respectively at either end of the great valley, graciously receive their tributaries as they wind through oak and poplar vistas; then rolling slowly on, ever slowly, once bright and clear with happy contentment, but presently opaque in sullen shade, on to their junction, and thence together to the sea.

And it is along this eastern side, where the branches and leaves and leaflets rest on the edges of the dish, and form labyrinths of ridges, and subordinate valleys upon which are flung in infinite disorder, bluffs, chasms, and smoothly rounded stone-waves heaped almost mountain high, that we have the Sierra foothills, already abnormally classic. Aside from the petrified sentinels left standing adown the centuries, there is ample evidence of what Plutus was hammering at hereabout. Left, after laying the Sierra foundation, were the dead volcanoes which we see, and their trachyte spurs flanking dark green forests, all intermingled with lavender and buff lava beds and scoriæ; blistered ashen slopes, whose vegetation is stunted and ill-tempered, and fire-riven hills of purple rock, loose and crumbling, to which cling blasted pines and wind-smitten oaks. Over many of her deformities nature spreads a seemly covering, hiding what were otherwise the bare bones of an un-

sightly skeleton. Many of these foundation-hills, and particularly the little valleys between them were finished in her happiest mood. Many of these cinders of spent forces have been well fleshed with soil, well watered, made fragrant with gums and odorous plants, and toned in healthy glistening green.

But it is down into the valleys that you must go, into the valleys of the Coast Range, and that too before man has mutilated everything, if you would see what nature has done for this strip of seaboard. There are natural meadows arabesque with tawny wild-oats, blossoming pea, and golden mustard, interspersed with indigenous vineyards, and fruit-bearing thickets. There are flower-gardens laid out in patterns by the deft fingers of nature, stars and crowns and chaplets of yellow, purple, white, and red. Scattered over broad park-like plains, and rising from tall wavy grass are oaks of various forms and species, some high with broad branches, and many scraggy and storm-bent. Here and there trees cluster in groves, and clumps of under-growth gather round to keep them company. Rising from the broad plain are solitary buttes, with cloud-entangling crests, sharp and high; and all around the borders bluff promontories, and tongues of uplifted land timbered with beech and birch, ash, myrtle, and laurel, shoot out into the valley, sometimes sudsiding in small round hills covered with tulips, wild onions, hemp, flax, and prickly chaparral. Now bring down through rocky cañons the clear dancing water; lead it round in winding courses where it will best moisten the surface, broadening it occasionally into lakes, locking it in lagoons, or leaving it in sluggish sloughs; then go out while the morning is fresh and gray, just as the sun begins to pour a sensuous warmth into the air, to refine the mists and give lustre to the foliage, and to set life glowing under a blue and purple haze, and if the eyes shine not with gladness, and the breast swells not

with gratitude, then the heart is hard indeed, and the breast but little better than a flint.

You say that such a region should teem with animal life, and so it does. You can see there pelicans and sea-gulls fishing together in the bays; seals and sea-lions barking on the islands; wild fowl thickly clustered on lake and tule-marsh; fish darting amid the waters; and beasts of many several sorts roaming the forests. On the tangled hillside is heard the soft note of the curlew; you may listen also to the rustling of the pheasant, the chirrup of the blackbird, the whistling of the partridge, and the sweet songs of the robin and the lark. And they all rest content; they are not driven by intense heat or cold to long migrations, their little journeys between valley and mountain being scarcely more than an afternoon's ramble. Nor need they take much thought for the morrow; even the prudent bee often leaves neglected the honey-bearing flower, and fails to lay in a winter's store. To elk and antelope, deer and bear, hill and plain are one, and that whether scorched by summer's sun or freshened by winter's rain. Bounteous nature plants the fields, brings forth the tender verdure, cures the grass, and stores the acorns. Little of frozen winter is here, little of damp, malarious summer; cool invigorating nights succeed the warmest days. Ice and snow banished hence sit cold and stolid on distant peaks, whence are reflected the impotent rays of the sun.

Where then is winter? November drops its gentle rain upon the sun-burned ground, closing the weather-cracks, freshening the Lydian air, and carpeting the late gray hills and vales in green; and this is winter. Spring comes warm and wanton, and nature is clad in holiday garb. Summer, dry and elastic, and trembling in amethystine light, is fragrant with the odor of dried grass, cypress, wild bay, and juniper. The heat of summer is seldom enervating, and the thick sullen fogs that creep in from the ocean are not

unhealthy. The climate of California is reliable; though her women may be fickle, her winds are not. Rain she sends at rain-time, and this having passed prayers are of no avail.

Thus along the centuries seasons come and go, while over all diurnally sweeps the half-tropic sun. In the broad arch float flocks of light clouds, or spread out in long fleecy folds between which at night silently sails the melancholy moon. From the sparkling white on alpine domes the gray and golden sunlight smiles across the amphitheatre, enfolds the lustrous clouds which send shadows crawling along the mountain-side and over the plains, nods with its earliest rays to sleepy ocean, dances back from sea to snow-peak; then, palpitating in purple, it rises from violet-banks and grizzly hills, and mingles with the russet haze of the horizon, or creeps in tenderer tones through evanescent mists into deep cañons and murky ravines, and glows warm and tremulous over the sombre shades below.

Before descending to the more practical affairs of life in this region, I might point you out some of the so-called wonders of the arena-rim; though I may say to you that long since I arrived at the conclusion that there is in heaven or earth no one thing more wonderful than another. With whatsoever we are unfamiliar, that to us is wonderful when seen; wonder is but the exclamation of ignorance.

Yonder at the northern end, lonely and white, stands Mount Shasta, girdled by lesser volcanic peaks that look like pigmies beside the monarch of the north which lifts its front so proudly above the solemn forest-sea that beats in mournful monotones upon its base. To one not cradled amid such sights its awful grandeur beside our puny life is crushing. Standing in the clear atmosphere, unrivalled and apart, like Orion it catches from over the eastern ridge the first rays of morning, and flashes them far down the vista; while at evening

its frosty diadem gleams with the glances of the departing sun long after the shades of night have overspread the surrounding hills.

Before us at the portal two sentinels, Helena and Diablo, guard either side, with Tamalpais picketed near the entrance; while far to the south, over the Tulare lakes and meadows, from the cold starlit ether or glowing in the roseate hues of day, the tall obelisks and stately domes and bristling minarets of mounts Brewer, Whitney, and Tyndall look down in grave guardianship. Proud immutability! Yet whether dripping with slimy sea-beds, or being graven by glaciers, or smoothed into forms of comeliness by tempest, these mighty ministers to needful lowlands do nevertheless slowly crumble in decay, and with their dust feed forest and flower. So man is laid low, and mind.

A little to our left, and almost hidden by granite-waves and conoidal domes that rise out of broad fir-planted snow-fields, yawns the plateau-rent of Yosemite. It lies in the Sierra foothills, nearly at right angles to their trend, and consists of a trough-like erosion, or sink, about a mile in perpendicular depth, six miles in length, with a flat bottom from half a mile to a mile in irregular width. Angles and square recesses press into walls of light gray granite, brilliantly white under the reflection of the sun's rays, in places reddened by moss, fantastically carved, or stained with vertical parallel stripes of brown and black. Over these smooth white walls the Merced and its tributaries leap in wavy silver threads, and dashing in dusty foam upon the chasm floor, intone eternal hallelujahs. Any one of the scores of domes, and peaks, and perpendicular channels, and lichen-covered precipices that here present themselves taken apart constitutes of itself a study.

Climbing up the outer side of the basin, and emerging from the level forest that covers the thick flat rim and veils the approach to the chasm, the tourist

of later times sharply reins in his steed—if so be that the jaded cayuse requires it—dismounts, and stands on Inspiration point, a rocky eminence commanding a partial view of the valley. Here every one who writes a book stands spell-bound as if in the presence of the almighty, beholds a new heaven and a new earth, feels the omnipotence and majesty of the infinite, attempts in vain to give his vision utterance, indulges in a sublime fit of rhapsody, and then drops into mesmeric silence. Old life and ordinary emotions are suspended, and a new tide of feeling rushes in upon the soul. The mortal part of man shrinks back, and the immortal prostrates the beholder before this apparition of majesty and desolation.

Entering at the lower end by the Mariposa trail, a general view of the valley is obtained, which displays first, on the left, the granite-block El Capitan, a smooth seamless battlement, rising clearly cut 3,300 feet in height; and on the right the Bridal Veil fall, a white cascade of fluttering gossamer, leaping from the western edge of Cathedral rock 630 feet, when striking the heaped-up débris at the base of the cliff, it continues in a series of cascades 300 feet perpendicular to the bottom, where it flows off in ten or twelve streamlets. Summer dries the Virgin's Tears that fall opposite the Bridal Veil, for their source is not the eternal snow of the high sierra. When the stream that feeds the fall runs low, nearly all the water is dissipated by the wind, which first sways, then scatters it, and finally breaks it into quivering spray, which the tardy sun, when it appears, gilds with rainbows.

Over the floor of the enclosure is spread a variegated carpet fit for a palace of the gods. Meadows of thick grass are interspersed with flowers and flowering shrubs, and fringed with thickets of manzanita, alder, maple, and laurel, and groves of oak, cedar, and fir, with occasional moss-covered rocks, marshes, and patches of sand; while high up on the battlement,

clinging to crevice and shelving rock, are tall graceful ferns, with branches of the most delicate tracery, which from their dizzy height look like tiny shrubs. United with grandeur are sweet freshness and melody; mingling with iris-hued mists is the fragrance of flowers, and with the music of the waters the songs of birds. Receiving and giving rest to the troubled waters after their fearful leap is still the Merced river, which winds through the valley in sharp angular bends, striking first one side and then the other. It is some seventy feet in width, and as transparent almost as air; indeed, so deceivingly limpid is it, that the unwary tourist who steps into it is soon beyond his depth. So too in regard to everything in and around this region of vastness; dimensions are so stupendous that judgment is confounded; the inexperienced eye cannot measure them. Distance is cheated of its effect; until perhaps, one toils in vain all day to accomplish what appears to be no difficult task, when the mistake is discovered and the eye is strained no longer.

Now and then a huge boulder, breaking from its long resting-place, comes crashing down the precipice, thundering in loud reverberations throughout the chasm. Sometimes in spring a flood bursts on Yosemite, when there is a tumult of waters, and high carnival is held in the valley. Scores of newly-born streams and streamlets fall from the upper end, and along the side roar a hundred cataracts whose united voices might waken Endymion. Pyramids of mist stand on the chasm floor, and ribbons of white waters twenty or thirty feet apart hang against black walls, or fall like comet's tails side by side, with jets shooting out from either side like arrows, weaving gauzy lace-work and forging fairy chains.

In May and June the streams are flush, and the monotone of falling waters is broken by crash and boom like angry surf striking the shore; but as autumn approaches, the roaring cataracts dwindle to

mere threads, which are shattered to mist in their descent, or disappear entirely. Frost dispels a portion of the summer haze, and the air of winter is clear and cold. The granite walls glisten in a net-work of ice, and the frozen vapor whirls through the cañon, smiting the cliffs, and overspreading the domes in layers of white, which, as they thicken, loosen their hold, slide off in huge masses, and striking upon the débris piles, break into powder, and fill the gorge to the brim with fine particles of frozen mist, which sparkle like diamond dust.

Further upward in the valley, just beyond the Bridal Veil, is Cathedral rock, and still a little further, shooting up in graceful pinnacles, The Spires. Then on the left come the Three Brothers, called by the natives Pompompasus, or Leaping Frogs; and projecting from the opposite side the obelisk-formed Sentinel rock, which rises from the river, like a watch-tower, over three thousand feet. Across the valley from Sentinel rock, and fed exclusively by melting snows, is the great Yosemite fall, the largest in the world, if height and volume both be considered, being fifteen times as high as Niagara, and most indescribably grand. Springing from the verge of the chasm, over a smoothly polished, perpendicular wall of fifteen hundred feet, and swaying in the wind like a scarf of lace, the water strikes upon a rough, inclined shelf, over which, ragged with foam, or spread out in transparent aprons, it rushes in a series of cascades equal to 625 feet perpendicular to the verge, when, with a final plunge of 400 feet, this most magnificent of half-mile leaps is consummated. No small portion of the water which drops from the top, and which widens and scatters in its descent, is dashed into spray before reaching the bottom; yet enough is left, even in the dryest part of the season, to send a deep, hoarse roar reverberating through the cañon.

Two miles above the Yosemite fall, the valley splits into three cañons, at the head of the middle one of

which tumbles the Merced, here a fleecy mass of foam. Down the cañon to the left flows the Yenaga, and down the one to the right the Illilouette. Here, at the upper end of the valley proper, where the river branches with the branching chasm, in the outer angle of Yenaga cañon, we find the Washington Column, and the Royal Arches, and back of these the North Dome, a rounded mass of overlapping, concentric, granite plates. On the opposite side of Yenaga cañon are the Half Dome and Cloud's Rest, and in the cañon, Mirror lake.

Ascending the Merced through the middle cañon, besides two miles of cascades in which the river descends over two thousand feet, we find two magnificent falls, surrounded by the grandest scenery,—Vernal fall, which makes up in volume and impressive beauty what it lacks in height, and the Nevada fall, with the Cap of Liberty near it. The Illilouette branch of the Merced also has a beautiful fall.

Thus, amid sentinels of granite, and mighty battlements, and musical cascades, and roaring cataracts, with its verdure-clad floor, and its time-worn walls curtained in glistening gossamer, cold in its colors though they be of dazzling brightness, wrapped in veils of silvery mist round which in drapery of prismatic hues Iris dances, or illuminated with airy clouds of frozen spray, Yosemite sits enthroned. Above and beyond, cold, silent, and white, stretches the great range on whose summit lies the snow that, melting, tunes the viols of a hundred cataracts. A fitting play-ground for the state, truly! A wonder worthy of California! Travel the world over and you will find no counterpart; there is no wonder like our wonder. Even a Yosemite rivulet may boast its sheer half-mile of precipice. All here is grand and unique; all of characteristic bigness except water, but Californians were never specially partial to water!

I say Yosemite has no counterpart—I should rather

say outside of California. Here we have others, so that if the great chasm of chasms should ever be lost to us, we still should not be without our wonder. There is the Little Yosemite valley above the Nevada fall, with its concentric granite structures, and the same river flowing through it in beautiful cascades; and there is the Hetch-hetchy valley, which, if a little less grand than the Yosemite, would answer well enough in place of it. The Hetch-hetchy chasm walls the Tuolumne river about sixteen miles north-west from Yosemite. It is three miles in length, from an eighth to half a mile in width, with walls not quite so high as those of the Yosemite, though the volume of water flowing into it is much greater. It extends in the same direction as Yosemite, has a perpendicular bluff—the counterpart of El Capitan, a large stream fed by the melting snows which fall over a cliff 1,000 feet in height; has in the Hetch-hetchy fall, 1700 feet in height, the counterpart of the Yosemite fall, with its Cathedral rock, 2,270 feet in height; finally, at its upper end, it splits into two cañons instead of three as at Yosemite. All along the base of the Sierra, and mounting upward to its summit, are innumerable valleys, meadows and springs, lakes, waterfalls, and cascades, eroded cañons, polished domes, and volcanic spindles, finger posts of the early gold-seekers, obelisk groups, table mountains, kettles, chests, forts, caves, bridges, sugar-loaves, cathedral-peaks, and unicorn peaks; the which, if they should be described every one, I suppose that even the world itself could not contain the books that would be written. Many mighty chasms we have on this Pacific slope beside the Yosemite cañon of the Merced, and the Hetch-hetchy cañon of the Tuolumne. There is the American river with its north and south forks down two or three thousand feet in hard slate. The Columbia and the Fraser rivers have their fifty miles and more of gorges several thousand feet deep; and grander yet, the King river cañon, with its hard granite walls

from three to seven thousand feet deep. Then, grandest of all is the grand cañon of the Colorado, 300 miles long, and from 3,000 to 6,200 feet in depth, also the result of erosion.

There are likewise many other noted wonders in California, as Bower cave near by, with its cleft, perpendicular chamber walls and subterranean lake, dell, grotto, and grove; the Alabaster stalactite cave of El Dorado on our right; the Calaveras cave of skulls in which, when discovered, were found human skeletons coated with carbonate of lime; the Santa Cruz cave, and numerous natural bridges. Bower cave, situated in Mariposa county, consists of a crevice in the limestone hollowed out by water; hence it is open at the top but widens out cave-like beneath the surface. It is 133 feet long, 109 feet deep, and 80 feet wide. Three maple trees grow within it, sending their branches out through the split roof, and the water on the bottom is so transparent, that the deep cavities which are worn on either side above and below, may be distinctly followed beneath the surface to a depth of forty feet. Alabaster cave, in Placer county near Auburn, is a large cavity, discovered by lime-burners while quarrying. There are two chambers, one 100 by 200 feet, and the other 25 by 100 feet, and from 4 to 20 feet in depth. Brilliant stalactites of various shades and shapes hang in irregular rows, interspersed with spaces stained with a sort of grotesque graining. One of the chambers, called the Crystal Chapel, looks like an embowered arctic region petrified. Over a branch of the Trinity river nature has thrown a ledge of rocks 300 feet wide and 150 feet thick, under which runs the stream through an arch 80 feet wide and 20 feet high. Among others, Coyote creek, in Tuolumne county, is spanned by two natural bridges.

To these scenes of grandeur and beauty vegetation contributes its quota. Among twenty clusters of mammoth trees, there are eight principal groves, of

which the Mariposa and Calaveras are chief. The eucalyptus of Australia is a taller tree than the sequoia gigantea of California—Wellingtonea gigantea these trees were once called; but this could not be tolerated in a land where is celebrated the 4th of July, and so the name was changed to Washingtonea; but lately, arborists say simply sequoia gigantea. Taking height, bulk, and numbers together, if not the tallest and oldest, we have here the grandest groups of forest trees upon this planet.

The Mariposa grove, which, with the Yosemite valley was given by congress to the state of California for public use and recreation, is situated thirty miles from Yosemite, and contains, scattered among smaller trees, over 200 which are more than twelve feet in diameter. Sixty of them, measured six feet from the ground, have diameters of from 27 to 67 feet, and in height are from 187 to 270 feet. The Grizzly Giant measures on the surface 93 feet in circumference. Through the hollow of a prostrate trunk, two horsemen ride abreast for a distance of 100 feet. One hundred feet above the ground, a trunk which is there twenty feet in diameter, puts out a branch six feet in thickness. The trees are straight, with gracefully tapering trunks, fluted bark of a light cinnamon color, and small coniform tops. In the Calaveras grove there are about 100 trees of the larger sort, thirty of which measure from 230 to 235 feet in height, and from 30 to 45 feet in circumference six feet from the ground. Five men occupied twenty-two days in felling one of them, which was accomplished by boring through the trunk with pump-augers. After it was completely severed, wedges had to be driven in on one side to overturn it. This tree is estimated to have been 1,300 years old; its bark was a foot and a half thick, and upon its stump, which six feet from the ground has a diameter of twenty-seven feet, after squaring and smoothing it, was erected a pavilion for dancing and pleasure parties.

We will now turn to quite a different scene Round St. Helena, once a bellowing crater, and the chimney of infernal furnace-fires, the earth's crust softens, steams with internal heat, and appears with its comliness marred so as to expose the mysteries of unadorned earth; for terraqueous nature, as well as human nature, has its unseemly side, its infirmities, and sinks of corruption. On one side of St. Helena are the steaming sulphuric springs and boiling mud of Calistoga, and on the other that pit of Acheron, the Geysers. Surely the balance of power must be preserved, the heaven of California must have its hell; aye, let nature boast her abnormities, nor be outdone by that hungry human horde which rushed in hither and lined the streets of every mining camp with scores of hells.

Three miles away one hears the puff and roar as of ocean steamers, and sees the ascending smoke and steam. In the approach there is no Point of Inspiration; but Hog's Backs, and steep, angular glades, down which Jehu drives with such headlong speed as makes the timid passenger to shiver, and prepares the tourist for the enjoyment Plutonic pleasures. To one gazing from the mountain brow upon this monstrosity of nature, God is not in all his thoughts, but Satan and his hissing emissaries; here is no new heaven and earth, but a nether realm, with stygian odors that offend the nostrils.

He who first discovered the beauties of Yosemite was struck speechless as at the portal of paradise. The hunter Elliott, who in 1847 chased a bear into the valley of the Pluton, spying the Devil's cañon turned and fled, and on reaching his companions exclaimed: "Boys! I have found hell!"

Around the cool deep crystal waters of Clear Lake are numerous soda springs, sulphur banks, and borax deposits. Down the western slope of the western ridge that bounds this region, in the heart of a tangled forest once well stocked with game, flows the Pluton river, a

merry tumbling stream from twenty to thirty feet in in width, formerly almost alive with trout, and shaded by the foliage of overhanging vines and branches. At right angles to the Pluton cañon, from its northern side, is a gorge about half a mile in length, and but a few rods in unequal width, with steep walls rising from 50 to 150 feet. This little off-shoot is called the Devil's canon. From its entrance at the Pluton cañon its uneven surface rises, and at the upper end it divides in two, and mingles with the hills. A little creek with miniature falls and cascades runs through it, whose waters at their source are pure and cold, but which as they descend soon become contaminated by their surroundings. Sometimes a partial footpath winds by the stream, between the rocks and mobile earth, but often it is undermined or swept away. The entrance is but a narrow rocky pass, roofed by fallen, but yet growing trees, adorned with fantastic roots, and partially covered with débris and creeping plants. This entrance is called Proserpine's Grotto, and beyond it the cañon widens a little.

The scene within is barren and ghastly. Bottom and sides are skinned of every sign of vegetation, and scoriated with sulphur, salts, and slimy deposits. Around the upper portion of the sides, the earth assumes a reddish hue, below which it is marbled with the ghastly colors of festering flesh, patches of pale ashen and white, patches of green and slaty stain, yellow sulphur snow and black sulphur root, with all the intermediate shades of death and dissolution. Hot springs burst forth from hot ground, spitting, sputtering, hissing, and panting in unmanageable wrath. Through whistling steam and sickening sulphur, yawn horrible mouths like the gates of Avernus. It is as utterly infernal a place as can well be imagined, lurid and murky, and sickening with heavy vapor. In every hole and corner this model Pandemonium seems inhabited by shadowy fiends, and every fiend to be doing his best to render his little

crevice the particular hell of the place. On the bottom and along the sides are two hundred grinning mouths spurting liquids of every hue. Into this sewer of desolation and dire combustion, midst hissing vapor and the stench of decomposing drugs, vomit white blue and black sulphur springs, boiling alum, epsom salts, and magnesia springs; iron and soda springs; conglomerate and nondescript medicated mixtures, until the little rivulet, nauseated by the vile compound, turns wheyish in color, emits a faint gurgle, tosses feverishly on its rocky bed, and then slinks along its slimy way. Round stinking pools that fill the air with their fetid breath, are incrustations of iron, tartaric acid, copperas, and verdigris. The clammy ground, crispy with sulphuric crystals, rough with scoriæ, quakes and sends forth noxious gases. Waves of sulphuric seas thump against the thin crust of the seemingly hollow earth; jets of liquid black leap hissing from blue-vitriol mud, and a cavernous roar echoes through the pitchy glen. Nature, sick with sore boils, eaten by acids, palsied and jaundiced, is smothered with alopathic abominations.

Pass Proserpine's Grotto and ascend the cañon. Pick your way carefully and plant your feet in the footprints of the guide, else your legs may suffer for the neglect. First there is an Iron and Alum spring, with a temperature of 97° Fahrenheit; then the Medicated Geyser bath, containing iron, sulphur, epsom salts and magnesia; Eye Water spring, omnipotent against ophthalmia; and in the order mentioned Boiling Alum and sulphur spring, Black Sulphur spring, Epsom Salts spring, Boiling Black sulphur spring. The largest spring is the Witches' Cauldron, situated two-thirds of the distance up the cañon, and the loudest the Steamboat Spring at the head of the cañon. The Witches' Cauldron is a hole or sink six or seven feet in diameter, of unknown depth, and with a temperature of 292° Fahrenheit.

Seething and swashing like a troublous witches broth stirred by subterranean imps, with no visible outlet, its thick black liquid bubbling sometimes to a height of three or four feet, the bank near by begrimed like a chimney-back and just above blooming with beautiful sulphur crystals, Dante himself could not conceive a more perfect stygian pool. This black vapory pit has been called also the Devil's Punch Bowl. It is an insult to his Majesty, who knows full well how to brew good punch.

Every spring has its voice, its own peculiar strain; its busy babble, or surly grumble, or hollow moan, or impotent sputter, or testy hiss, or angry roar, or wild shriek, its vain spoutings or gleesome gurgle, and throughout the ages the infernal choir ceases not to deliver its united and discordant strains. But loud above all voices and high above all sounds are the puffings and roaring pulsations of the Steamboat Geyser, which sends from the hillside in several fitful volumes, through orifices from an inch to a foot in diameter, columns of hot vapor to heights of from 50 to 200 feet. The sounds of which the name is expressive, are like those proceeding from the escape pipe of an engine. The roar is continuous, though broken by puffs and louder bursts, while all around from tiny holes in the spongy ground jets of hot steam shoot upward, with a force and fury significant of the contending elements beneath the surface. Then there is the Intermittent Geyser, which belches boiling water spasmodically, sometimes fifteen feet and again only three or four feet; the Devil's Inkstand, which emits through a small aperture a black liquid that may be used for writing, and whose stain is indelible; the Devil's Grist-mill with its sputtering clatter; the Devil's Kitchen, the Devil's Bake-oven, the Devil's Wash-tub, the Devil's Tea-kettle, the Devil's Pulpit, and the devil knows what else. All along the banks of this Lethe stream, as you climb, fainting with the heat and smells, between slippery rocks and

over the seething uncertain ground, your blistering feet perhaps ankle deep in mineral deposits, and lifting themselves spasmodically from the heated earth, you may see pools of slaty swash exhaling a dock-mud stench, steam whizzing through fissures, and black compounds belching from slag and clinker-rimmed holes; at which strange doings Helena groans afresh, and fallen forest trees ten miles distant shudder and turn to stone.

Here, as everywhere in dealing with the unknown, men speculate upon the causes of these phenomena, some holding that they are produced by volcanic action, others by purely chemical forces. Side by side, only a few inches apart, are hot springs and cold springs, boiling springs and springs whose waters are undisturbed. An iron pipe terminating in a whistle inserted in one of these steam orifices, sends forth a shrill shriek. On the Pluton is the Indian spring, whither the natives, who feared to enter the Devil's cañon, have resorted from time immemorial to bathe in its healing waters. There they erected a sweating-house, and thither they carried their sick. Near the hot black sulphur bath, which they have made, flows a stream of clear cold water, into which, after their fashion, they plunge alternately. On one side of the Devil's cañon is the Mountain of Fire, honey-combed with dead geysers, and stratified with sulphur, epsom salts, copperas, nitre, ammonia, tartaric acid, cinnabar, magnesia, and yellow ochre. Near by are the vent holes of a crater from which the steam whistles with great force. In early morning, before the overhanging vapors are dissipated by the rising sun, the gorge is filled with steam, which rolls off in huge banks before the wind. Above and beyond the edges of this Tartarean pool, round which struggle pale sickly trees, in the valley of the Pluton, and sometimes approaching coyishly to the very verge of the heated waters, mountains, hills, and ravines are overspread with a covering of fresh verdure and wild flowers,

made all the more luxuriant and charming by the warmth of these infernal fires; and to complete the picture, at sunrise a weird rainbow, refracted from sulphuric vapor, hovers in clear prismatic hues over the cañon, and loses itself in the glistening emerald at either end. Turn then away, happy in the thought that nature inflicts on man few such insights into her sorceries, but rather veils in beauty the mysterious chemical processes of her laboratory.

The great sink in the Coast Range, which lies before us near the border of the ocean, and into which the waters of the entire valley are drained, is another marvel of nature, though utilized and made common by man. But for the Golden Gate fissure or cleft, which abruptly cuts in two the continuous coast line, large areas in the interior would be perpetually under water. Were the channel through this bluff-bound gateway less deep, so that the ocean's ebb and flow should not be felt within, San Francisco bay would be a lake. But better far as it is, a lake-like and well-nigh land-locked harbor, larger than Rio de Janeiro, and fairer than Naples; with all the glowing haze and delicious sweetness of the famous Neapolitan air, but without its subtle softness and enervating languor.

Mount some warm misty morning to the top of Yerba Buena island, which stands midway between the cove to which it gave its name and Oakland point, and the prospect thence will scarcely fail to kindle the eye, to swell the heart, and awaken longings for other scenes. From this island's base spreads out a mimic ocean, shaped like an arrow-point, sixty miles in length by four or five in width, whose radiant waters fling back the rays of the morning sun, or ripple under the influence of wind and tide, and from whose borders, wavy hills roll up, smooth and round as the bust of Canova's Venus, or dimpled like a merry school-girl's face. These, interspersed with gen-

tler slopes, and radiating valleys and ridges, and miniature plains, through which thread numerous streamlets, were not long since the home of the prowling panther and marauding coyote, of wild-cat, bear, and deer. Myriads of wild-fowl and sea-birds fished in these waters, and quarreled, filling the air with their shrill cries; while within the bay and without the portal, and for 3000 miles along the shore, were seal-rocks, with crawling monsters barking, enjoying their siesta, or holding conference like sinful souls in purgatory.

Northward there is a maze of undulating elevations, domes ridges and peaks, their outline toward the ocean delicately penciled against the sky, and further inland in the distance is a background of nebulous mountains, the landscape lighted in places by unseen waters, and all painted in soft aerial colors of varied depth and tone. Toward the south the ridges on either side recede; the water broadens at first, then narrowing, melts away in hazy perspective. Beyond is the great sea, smiling in azure or fretting in impatient green and white, with its silence-breathing surf singing ocean lullabies to the sleepy hills, or rolling in from the horizon huge waves, which, dashing themselves against their shore-limits, fall back foaming at their own impotency.

Thus sculptured in the heart of the Coast Range, some parts of the bay are narrow and deep like a highland loch, with bluffs and promontories; in other parts the water spreads out, and encircles large islands, —Angel, Alcatraz, and Yerba Buena,—or washes a diminutive beach. Its seaward shore is splintered into points and estuaries; on the opposite side are coves and graceful crescents; while round the northern end, where empties the Sacramento, are bays carved within bays, straits and deep-flowing channels, and sentinel islands and embankments.

The northern side of the Golden Gate is a steep, dark, reddish wall, six or eight hundred feet in height. From the top of this wall the hills mount and roll off

in warm yellowish-green surges round Tamalpais, deepening into purple as they rise in graceful alpine outline and mingle with the clouds. Opposite this bank the waters of the bay and ocean are separated by a ridge of argillaceous sandstone, severed at the Golden Gate so as to form a peninsula some six miles at the northern end, and broadening into open highlands toward the south. Upon these so lately sand-blown hills, freckled with tough, wind-defying shrubbery, beneath whose branches quail and rabbits loved to hide, and birds and rivulets sang together, is now being planted the commercial metropolis of the Farthest West; while all around this favored bay, blustering in its strength and radiant in its beauty, and already white with the sails of every ocean, industries are springing up, towns and cities are being built, and a race of men and women developing which some day will make the nations marvel. The bay of Kieselarke has been called golden because of its shining sands; but far more proper may our beautiful sheet which from the first so gladdened the hearts of the followers of St Francis rejoice in that name, for not only are its shores golden, but its hills and skies, its commerce and its industries, its towns and people are golden.

Fair California! clad in verdant spring vesture or resting in arid robes under a metallic sky; voluptuous in thy half-tropic bed, in thy sunlit valley warmed with the glow of bronze and rosy lustre, redolent with wild flowers, and billowy with undulating parks and smooth corrugated mounds and swelling heights, with waving grass and fragrance-breathing forests, captivating the mind, and ravishing the senses with thy bewitching charms, and smiling plenty in alternate seasons of refreshing rains and restful dryness; with thy lofty snow-capped peaks, and metal-veined Sierra, and amethystine smooth-browed hills bathed in purple mists and musical with leaping streamlets and songs

of birds; with thy corridors of sundered stone, and glacier valleys silvered with moonlit lakes, and cool refreshing basins filled with transparent blue; with thy boisterous alpine streams, and quiet lowland rivers, and sluggish waters wandering through characterless sloughs; with thy scraggy scattering oaks, and tangled undergrowth, mirrored in crystalline pools, and flowering shrubs, and mighty sable forests; with thy sunlight soft and hazy, and air sea-scented and sparkling yet mellow, stimulating yet restful, and pure and sweet as that which blows from Araby the Blest, yet strong withal, wooing the sick and care-laden, cooling the vein-swollen brow, thrilling the blood with ocean's stimulants and giving new life, not stifling it; with thy native men and beasts, and birds and fishes, and fields of native grain, all hitherto unmarred by man, all fresh as from the hand of the creator revelling in primeval joy and fragrance, while the valley murmurs its contentment, and the forest cypress nods its sable plume; crimson purple and violet in thy blushing beauty veiled in misty gauze that rises fresh and glistening from the sun-beaten ocean, and fills the heavens thick with spray or whirls off in eddying clouds round the mountain tops, breaking from minaret and spire into long streamlets edged by burnished sunlight; voluptuous thus, or fierce in thy wild unrest, in thy lashed energies fiery as Achilles, whatever be thy mood or circumstance, thou art a song of nature ringing an ever changing melody, thou art the smile that lit Jehovah's face when he saw that it was good!

CHAPTER II.

THREE CENTURIES OF WILD TALK ABOUT GOLD IN CALIFORNIA.—1537-1837.

Thrusting, toiling, wailing, moiling,
Frowning, preaching—such a riot!
Each with never-ceasing labor,
Whilst he thinks he cheats his neighbor,
Cheating his own heart of quiet.
—*Shelley.*

In those days of unbridled adventure, when man was permitted to prey upon his fellow-man, and when the many-sided world was as yet but partially known to civilization, gold was the chiefest good that strange lands could yield, and hence every strange land, in the imagination or desire of its discoverer, abounded in gold. So it was that California, even before it was seen by any Spaniard, was reputed, without reason, rich in gold. What stories Cabeza de Vaca had to tell, when he arrived from the Mexican gulf at Culiacan, in 1537, of the vast wealth of this whole northern region! As to the truth of the report, it must be true, for it was the people of the country who had informed him, though in language that he did not understand, and of realms of which they knew nothing. From the very first a strong conviction possessed the minds of the conquerors of Mexico that the western coast, particularly toward the north, was rich in gold and pearls; and so all through the century successive expeditions were sent to the gulf of California, and to the peninsula.

That most reverend and truthful man, Francis Fletcher, preacher to the pirate Drake, who, because God commanded Adam to subdue the earth, felt it

his duty, as minister of God and son of Adam, to go abroad on this earth, and kill and steal to the full limit of his capabilities; and who felt it likewise his duty "to register the true and whole history of that his voyage, with as great indifferency of affection as a history doth require, and with the plain evidence of truth,"—this right rare and thrice worthy gentleman, as he would say of his captain, saw strange things in California; that is to say, things strange to those who know California, but credible enough three hundred years ago to those who were never nearer to the spot than its antipode. In July of 1579, the pirate, as his preacher says, was met by peculiar and nipping colds. The natives, he affirms, "vsed to come shivering to vs in their warme furres, crowding close together, body to body, to receiue heate one of another." Oh! "how vnhandsome and deformed appeared the face of the earth it selfe!" Birds dared not leave their nests after the first egg was laid until all were hatched; but nature had favored these poor fowl, so that they might not die in the operation. The causes of these phenomena he next explains on scientific principles. Because Asia and America are here so near together, and by reason of the high mountains and the like, "hence comes the generall squalidnesse and barrennesse of the countrie; hence comes it that, in the middest of their summer the snow hardly departeth euen from their very doores, but is neuer taken away from their hils at all; hence come those thicke mists and most stinking fogges." Inland the country was better. "Infinite was the company of very large and fat Deere, which there we sawe by thousands . . . besides a multitude of a strange kind of Conies . . . his tayle like the tayle of a Rat." The savages were exceedingly edified by the words of the preacher, by his psalm-singing, and his reading of the scriptures; so much so, that when the gentle pirates took their leave, "with sighes and sorrowings, with heauy hearts and grieued minds, they powred out wofull complaints

and moanes, with bitter teares and wringing of their hands, tormenting themselues." This was exceedingly like the California Digger, as was also their king, before whom on his appearing, "came a man of a large body and goodly aspect, bearing the Septer or royall mace, . . . whereupon hanged two crownes, a bigger and a lesse, with three chaines of a maruellous length," and so on. It was with difficulty that the Englishmen prevented these people from worshipping them, and offering sacrifice as unto gods; and the eagerness with which they accepted Elizabeth for their sovereign was pleasant to see. But about gold? "There is no part of earth," says the preacher, "here to be taken up wherein there is not a reasonable quantity of gold or silver." And again: "The earth of the country seemed to promise rich veins of gold and silver, some of the ore being constantly found on digging." Even a school-girl would recognize in this the extravagance of fiction. Climates change; simple savages might mistake Drake's buccaneers for gods; but if gold and silver ever existed amid the rocks and hills in the neighborhood of Drake bay, the world has yet to know it.

In his *Noticia de la California*, Miguél Venegas, speaking of the voyage of Sebastian Vizcaino along the shore of Upper California in 1602, draws attention to the royal cédula of the 19th of August, 1606, granting Vizcaino permission to explore California, and inserts that document in the first volume of his history. The king says, referring to Vizcaino's voyage of 1602, "que descubrió el dicho Sebastian Vizcaino en la costa en mas de ochocientas leguas, que anduvo, se informó, y que todos decian, haver la tierra adentro grandes poblaciones, y plata, y oro,"—that the said Vizcaino was told by the Indians along the whole coast of 800 leagues which he discovered, of large settlements in the interior, and of silver and gold. "Whence Vizcaino is inclined to believe," the king continues, "that great riches may be discovered, es-

pecially as in some parts of the land veins of metals are to be seen;"—porque en algunas partes en la tierra firme descubrian betas de metales. Thus, there is little wonder that very early the rumor was abroad that there was gold in California, though without any foundation, as the interior had never yet been visited by white men.

As far from the truth as the preacher's story and the king's story, is the statement passed from one writer to another without comment, that Loyola Cabello, a priest of the mission of San José, bay of San Francisco, on returning to Spain published, in 1690, a work on Alta California, in which the existence of gold in placers was mentioned. I do not know whom to hold responsible for starting this fiction, though one George M. Evans has been active in circulating it. We can only wonder that so many respectable persons have repeated it as fact. In the first place no such book was ever published. Secondly, in 1690, and for nearly a century thereafter, there was no San José mission on the Bay of San Francisco, though there was a San José del Cabo, near Cape St Lucas. Lastly, if there was such a man, and such a book, and such a place, there was no gold there.

Fortunately for mankind, believing a thing, or fancying a belief in it, be it never so sincerely or strongly, does not make it true; nor is seeing always believing, when perforce, one must see through the eyes of sailors, whose statements are proverbially unreliable. "De Gualle saw many islands eastward of Japan in latitude 32° and 33°," says old Arthur Dobbs; and sailing further east, he saw many populous and rich islands, some with volcanoes, which abounded with gold, cotton, and fish...Gemelli mentions rocks seen in latitude 30°, and an island said to be rich in gold; and also another in latitude 32°, called Rica de Plata, which from their names and abounding in gold, may be supposed to be well inhabited." By how many have these gold bearing islands been

since visited, and how much metal has been taken from them?

Perhaps twenty times the following passage in *Shelvocke, A Voyage Round the World in 1719–22*, by no means a rare or remarkable book, has been pointed out to me by men whose superficial investigations have led them to believe that gold was known to exist in California nearly two centuries ago. Here is the passage: "The eastern coast of that part of California which I had a sight of, appears to be mountainous, barren and sandy, and very like some parts of Peru; but nevertheless, the soil about Puerto Seguro, and very likely in most of the valleys, is a rich, black mould, which as you turn it fresh up to the sun appears as if intermingled with gold dust, some of which we endeavored to wash and purify from the dirt; but though we were a little prejudiced against the thoughts that it could be possible that this metal should be so promiscuously and universally mingled with common earth, yet we endeavored to cleanse and wash the earth from some of it, and the more we did the more it appeared like gold; but in order to be further satisfied, I brought away some of it which we lost in our confusions in China."

Now in the first place this navigator—whose map by the way shows the two Californias together as an island—never was in Alta California at all; and secondly, he may or he may not have seen particles of something resembling gold at Cape St Lucas, the only point at which he touched. In a word, whatever he saw or said has nothing whatever to do with the discovery of gold in the Sierra foothills. And yet I have seen printed in more than one Pacific coast newspaper this statement of Shelvocke's without any reference to the fact, and apparently without the knowledge of it, that the California referred to was not Upper California.

At the time Shelvocke was engaged in his circumnavigation, the Hudson's Bay Company was explor-

ing to the westward. Almost as much as gold-producing mountains the world wanted inter-oceanic communication. From Patagonia, northward, nearly to the land's end, the seaboard had been searched in vain for a passage; only the part between Hudson bay and the Pacific remaining yet unexplored. In 1719 two vessels, the *Albany Frigate*, Captain George Barlow, and the *Discovery*, Captain David Vaughn, were fitted out for the purpose of examining the the western side of Hudson bay, and passing thence through the strait of Anian into the Pacific. This strait, the discovery of which was so eagerly desired, was believed to exist; it was even laid down in charts, and there were some who said that they had seen it, others that they had entered it, though all the while it existed only in imagination. James Knight was given command of the expedition, and was "with the first opportunity of wind and weather, to depart from Gravesend on his intended voyage, and by God's permission, to find out the strait of Anian, in order to discover gold and other valuable commodities to the northward." Mr Knight entered upon the task with enthusiam, though then eighty years of age, and "procured, and took with him some large iron-bound chests to hold gold-dust and other valuables, which he fondly flattered himself were to be found in those parts." Not hearing from the expedition, many conjectured, as Samuel Hearne remarks, "that Messrs Knight and Barlow had found that passage, and had gone through it into the South Sea by the way of California," and it was not known until fifty years later, when Hearne was undertaking his Coppermine river expedition, that they had not found the Anian strait, and had not filled their iron-bound chests with the gold of California, but had all been lost in Hudson bay.

The Shining Mountains—as the Sierra Nevada and Cascade Range were called by those who wrote geography a hundred years ago—were deemed from

current reports something wonderful long before their treasures were disclosed. "This extraordinary range of mountains," says Jonathan Carver in 1766, "is calculated to be more than 3,000 miles in length, without any very considerable intervals, which I believe surpasses any thing of the kind in the other quarters of the globe. Probably in future ages they may be found to contain more riches in their bowels than those of Indostan and Malabar, or that are produced on the Golden coast of Guinea; nor will I except even the Peruvian mines."

No little excitement occurred in Mexico about the time of the expulsion of the Jesuits, who, it was reported, had found extensive deposits of gold on the peninsula of California, and had concealed the fact from the government. It was in the rivers, in the rocks, and in the soil, people said, and the supposed concealment as to the spot containing the precious metal, on the part of the Jesuits, tended in no wise toward delaying their enforced departure. To prove the matter José Galvez, marquis of Sonora, accompanied by Miguel José de Azanza, in 1769 passed over into California and instituted a search. A few weeks of fruitless endeavor satisfied Azanza, who returned to Mexico, saying that the marquis was insane to continue the search; for the expression of which opinion Azanza was incarcerated, and kept in prison for a time. Galvez found nothing, however, though the Jesuits afterward affirmed in France that it was true they had found gold. This was probably said in order to occasion regret in the minds of those who had caused their expulsion. All this of course is irrelevant to the present purpose, except that in the loose and general reference made to the event, it is not stated, and often not known, that the Jesuits were never in Upper California, and that the search of Galvez and Azanzt was confined strictly to the peninsula of Lower California.

Such facts, mutilated and misstated, floating in the

minds of ignorant persons who receive them at second or twentieth hand, lead to remarks like the following by Mr Simpson, author of *Three Weeks in the Gold Regions*, published in 1848. "It is also known that an expedition was fitted out by the governor of Sonora during the last century, which owing to various discouragements failed.

In his *Travels in Mexico*, when near the mouth of the Colorado in 1826, Lieutenant Hardy says: "The sand is full of a glittering sort of tinsel, which shines beautifully when the sun is upon it. It is common all over Sonora, and is, I imagine, nothing more than broken laminæ of talc, the surface of which being probably in a state of decomposition, the original color is changed to that of copper and gold. It crumbles easily between the fingers, and cannot therefore be metallic; but its delusive appearance may possibly have given rise to the reports, which were spread, as it is supposed, by the Jesuits, who formerly endeavored to make an establishment upon the river, of gold dust being intermixed with the sand." Fayette Robinson thinks the Jesuit priests were aware of the existence of gold in California, meaning Lower California, but carefully diverted the attention of the natives from it in favor of mission labor. Osio in his manuscript *Historia de California* expresses the opinion that the Franciscans were too busy with conversions to ascertain whether the river sands held gold. The recent conjectures, he says, that they knew of gold are not probable, because the secret could not have been kept among so many.

Since 1775 the Mexicans have met with silver in the vicinity of the Colorado, and some say with small deposits of placer gold, but with none that would yield profitable returns. Very soon after the organization of the missions in Lower California, converted Indians sent into the upper country to persuade the natives there to listen to the teachings of the padres, talked, on their return, of the shining sand that they saw in

the streams, and in the ravines which they had traversed. But so common were these reports, so familiar were the conquerors with the presence of precious metals everywhere within the subjugated domain, that a sprinkling more or less, here or there, was little regarded. Nevertheless, it is reported that later they built furnaces, and brought sand from the seashore to be used in smelting antimonial silver lead.

A map was made of southern California in 1775 by a priest showing the explorations of the Jesuits on the Colorado river for several hundred miles, and thence to the Tulare valley. J. H. Carson is the author of a little book, printed in Stockton in 1852, entitled *Early Recollections of the Mines, and a Description of the Great Tulare Valley*, and worth fifty times its weight in gold. This writer was informed that in the Mexican archives was a letter from a priest, dated at one of the Jesuit missions in 1776, notifying the government that while searching the mountains for mission sites he and his confreres had met with pure silver in masses weighing several tons, and that they had forbidden all mention of the matter under pain of excommunication and death, lest a sudden influx of population should destroy their schemes for conversion. Upon the strength of this assertion Wright and his associates fitted out an expedition under a Mr Hoyt, who proceeding to California from Mexico, in due time sent back a letter with rich specimens of silver ore, almost solid, as Mr Wright declared. Neither Hoyt or any of the party returned, nor were they ever heard from; and it was supposed that they were murdered by the natives. Exploring at a much later period in the vicinity of Moore creek, Carson encountered a shaft sunk apparently twelve or twenty years before. Part of the windlass was still standing, though in a state of decay, and the place agreed with the description given by Hoyt. When Carson questioned the natives about it, he was told that the shaft had been sunk by Mexicans who had been in that

neighborhood but who had since died; the gentle savages failed to mention the manner of their taking off.

Referring to the *Diccionario Geografico-Historio de las Indias Occidentales o América* of Antonio de Alcedo, published in Madrid in 1786–9, we find stated that in California, "provincia de la América Septentrional, y la última parte de ella en lo descubierto ácia el norte" are many wonders. Strange animals are there, and some that the Spaniards introduced, which have multiplied enormously. There are insects, snakes, tarantulas, and ants without number, but no fleas, bed-bugs, or chegoes. As prone to mendacity as I have ever found Mr Dunbar, I was not prepared to meet in his *Romance of the Age* so bold a misrepresentation as that Alcedo "positively asserts the existence of gold in California, even in lumps of five to eight pounds," and that in face of the plain statement: "No se han descubierto minas; però hay bastantes indicios de que existen de todos metales."

At Alizal, near Monterey, silver is said to have been found in 1802. Remarking how deep benea theth surface lay the precious metals in the interior of northern Mexico Humboldt, after his visit in 1803, expressed the opinion that toward the north gold might be found in large quantities near the surface.

Knowledge of the existence of furnaces, used in the smelting of silver ore, in the southeastern part of California, or in the Colorado river region, is vaguely traced back to 1808. An exploring party from Stockton in 1860, in search of silver lodes, met in the vicinity of these furnaces a party of Mexicans with like intentions. With the Mexicans was an ancient aboriginal, José el Venadero he was called, one hundred years of age, who stated that these furnaces were in use when Mexico first threw off the yoke of Spain, fifty-two years ago. He was a mission Indian at the time, and the Spanish soldiers stationed at the furnaces to protect the workmen from the natives were with-

drawn during the revolution. A large body of natives, headed by his brother who was a chief, then attacked and killed the miners, and the priests who were with them; since which time the lode has not been worked, and the place had been forgotten by all except those engaged in the massacre. M. S. Brockway saw there in 1851 veins of antimonial silver.

Count Scala writing in the *Nouvelles Annales des Voyages*, in 1854, asserts that although local tradition has not preserved any souvenir of the excursions of the Russians into the auriferous regions which have since been of such value to California, yet there are unanswerable proofs that several officers of the Russian company have at different times, between the years 1812 and 1841, procured a considerable quantity of metal from the native tribes of Yuba and Chico. "Nous montreros tout à l'heure," he goes on to say, "que c'est aux Russes de Bodéga que les Américains sont redevables de l' heureuse découverte qui leur donne aujourd' hui la faculté d'étendre leur souveraineté dans la Nouvelle-Grenade et le Nicaragua, et d'imposer leur influence à toutes les républiques espagnoles du Pacifique." In proof of his premise Scala's chain of argument is not in every link consistent with fact. I will give it for what it is worth. He does not know how it occurred, or what might have been the nature of the services which Sutter had rendered to the government of Archangel, but certain it is that one day the captain arrived in California well recommended to the authorities at Ross and Bodega. M. Gorieff, a rich merchant established at Yakoutsk, pretends to have shown him in 1838 or 1839 a score of "kilos de lingots d'or et de pépites," which he had gathered five years before in the Sacramento valley, while on an excursion with the *ciboleros* of the company. And Gorieff counselled Sutter to devote himself exclusively to the investigation of these auriferous lands. However that might have been, Scala continues, "no one then in California was igno-

rant of the existence of gold in the Sierra Nevada districts. The creoles had often bought it from the Indian hunters, and in the time of the Spaniards the missions had secretly procured it in large quantities. The only obstacles which for a century had hindered the working of these mines by white men were the well known ferocity of the wild Indians, and ignorance of the exact position of the placers. After having made several excursions in the country pointed out to him by M. Gorieff, Sutter went to the governor at Monterey and asked a grant of the lands. This grant, which comprised an area measuring eighty kilometres in length and sixteen in width, was traversed by the route from San Francisco to the American posts on the Columbia river. It was a virgin region, abounding in game, profusely watered, rich in pasturage, and surrounded by mild-mannered tribes. There Sutter established himself as trapper, hunter, and agriculturist. When in 1841 the Russians evacuated Ross they sold to him their material, by which means he became strong enough successfully to withstand the provincial government. Thus was due to the Russians, the conclusion is, the gold discovery in California, and her consequent greatness." Here ends Count Scala, whom I have translated accurately, if somewhat freely.

It is possible, even probable, that the Russians of Ross and Bodega knew of the existence of gold in the Sierra foothills. They had every opportunity for acquiring such knowledge, being in frequent communication with the inhabitants of that region; and there was no special inducement for them to notify the Mexicans of the fact. But as for Sutter being aware beforehand of the existence of gold in the vicinity of New Helvetia, I am sure that he was not; first, because he told me so, and secondly, because, if he had known it his line of conduct would have been different. Further than this, it is not true that the Indios bravos were so fierce as successfully

to guard their gold from the Russians. They were not fierce at all, but rather as Sutter found them "aux moeurs douces et faciles."

Holinski tells of a laborer, a servant of the Russian American Company in California, who one day went to the commandant with the story that he had seen gold in the bed of a stream, and advised that a party be sent to examine it. The man was told to mind his own business.

Add to the statement of Scala the testimony of Governor Alvarado, given in the first volume of his *Historia de California*, and it is almost certain that the Russians of Ross and Bodega were aware of the existence of gold in the valley of California as early as 1814. During the administration of Governor Argüello, Alvarado says that gold was found in the possession of a Russian, El Loco Alexis he was called. The man was in jail at Monterey at the time, imprisoned with three others, perhaps for drunkenness, or for killing beaver, or, more likely, for being Russians. Alexis would not tell how or where he obtained the gold, and as he was shortly afterward sent to Sitka, nothing came of it. Alvarado does not hesitate to assert further that "we well knew of the existence of gold deposits on the slopes of the northern mountains, but the Indians, who were so much more numerous than we, prevented our exploring in that direction."

Because Phillips, in his *Mineralogy*, edition of 1818, spoke of gold in California, many thought he had knowledge of the existence of that metal in the Sierra foothills.

In the possession of the San Francisco Society of Pioneers is a stone tablet, indicating the discovery of gold on Feather river in 1818. It was presented to the society by W. F. Stewart in 1868, and is held in great estimation by the wise men of the day. The stone is of hard, yellowish, sandy texture, about twelve inches in length by an average of three inches in width,

and one inch thick. It is flat, and on one side are deeply cut, in legible letters, these words:

1818
GOLD
CAVE
IN THIS
M. SHIP
LODES
L M

This cabalistic stone is said to have been picked up on the west branch of Feather river, in 1850, by William Thomas, and given by him to A. J. Pithan, of San José, in 1851. Mr Thomas, after diligent search, was unable to find the gold cave. Discussions of possibilities or probabilities are wholly useless. The chances are a hundred to one, in my opinion, that some miner of 1849 cut the letters for pastime, and then threw the stone away, or gave it to some one to make a good story out of.

And now comes Mariano Guadalupe Vallejo with similar testimony, that the Spaniards in California knew of gold, but could not profit by their knowledge on account of the Indians. In the first volume of his *Historia de California* he further states that, in 1824, while Captain Pablo de la Portilla was encamped at San Emilio, Lieutenant Antonio del Valle, who had a stock of beads, blankets, and tobacco, traded his goods with the Chauchilas and Jozimas for fourteen thousand dollars in gold, "chispas de oro," emphasizing his statement by the further assertion that "el teniente del valle trajo el oro á Monterey, y lo he tenido en mis manos; y por eso respondo de la verdad del hecho."

José de Jesus Pico, still living in San Luis Obispo, asserts that Father Martinez, the minister of the mission of that name, gave him and three fellow-soldiers, in 1829, twenty ounces of gold in one ounce balls, and that he believes the father must have picked it up at the place named San José, near the mission. He suspected that several Spaniards were for a time

secretly engaged at the mission in refining gold and silver, because the father had many flasks of quicksilver, as well as instruments and materials for refining those metals.

Jedediah Smith is accredited with having found placer gold near Mono lake, on the way back from California, whither he had led a party from the Salt Lake country in 1825. Thomas Sprague, writing to Edmond Randolph, in 1860, states that he was well aware of the fact, and that the spot where the gold was found was on the route to Salt lake, and east by north from Mono lake. Quite a quantity of this gold, Smith brought back with him to the American Fur Company's encampment on Green river. His partners were so pleased with his success that they induced him to return to the gold field, in which attempt he lost his life. The defeat of the party by Indians discouraged the company, and they abandoned their search for gold. Mr Sprague's statement as to the route of Smith to and from California is only partially correct.

As further evidence that gold was believed to exist in California, may be mentioned certain laws and regulations framed by the Mexican government. Referring to the Vallejo *Coleccion de Documentos*, we find that on the 19th of July, 1828, President Guadalupe Victoria transmitted to the governor of California a decree of the Mexican congress equally applicable to all the Mexican states and territories. All previous decrees prohibiting the export of gold and silver bullion were revoked, and states were permitted to collect duties. Bars, quoits, and rails must be numbered and stamped with weight and fineness. Another decree, of the 13th of September, lays down the rules for the exportation of gold and silver bullion. Permits might be obtained by presenting petition and invoices at the custom-house. Then the formalities prescribed for the authorities of the custom-house are given at great length, besides a number of stipulations and penalties.

Upon the assertion of M. Duflot de Mofras mainly rests the discovery of gold at San Isidro, in San Diego county by a man from Guanajuato about 1828. "A San Isidro," he says in the first volume of his *Exploration du Territoire de l' Oregon, des Californies, et de la Mer Vermeille, Paris, 1844*, "à quatorze lieues dans l'est de San Diego, on trouve des mines d'or et d'argent qui furent exploitées il y a quinze ans par un homme de Guanajuato."

Padre Viader, a priest at Mission Santa Clara, is said to have possessed the gift of prophecy. Two years before it occurred, he foretold the drought of 1829, and advised the people to prepare for it, and plant double the usual area. He likewise predicted the discovery of gold in California, and the transfer of that land to another nationality. This reminds one of the many signs and omens pointing to the fall of Montezuma, and the Mexican conquest, which occured during the century preceding that event.

Another prophet, who died in 1830, was Padre Magin Catalá, of this same mission. Among other things he predicted that great riches would be found in the north, and that people would flock thither in great numbers. It is safe to affirm that among people of extraordinary piety no important event ever happens but that after the occurrence many persons can be found who said that it would be so.

And now for the statement of a savage among others who testify. Puleule, a Yuba, swore, as soon as he had acquired that civilized accomplishment, that when he was a boy, say in 1830, he had often amused himself by picking from the gravel large pieces of gold and throwing them into the water.

Manuel Victoria writing the *Ministro de Relaciones* says in 1831 that there are no mines of any value in California; that the pagans know of none; and that it is the opinion of experts that there are no minerals in the country.

The unreliable editor of *The Natural Wealth of Cali-*

fornia, states that the first gold was found in the Santa Clara valley in 1833, and that other deposits were discovered in various places in the Sierra Madre,

Blount, the pioneer, assured Bishop Kip in 1864, that thirty years before, that is to say in 1834, he encountered ore, which at the time he thought to be copper, but then knew to be gold. The bishop displays extreme credulity even in repeating such a statement. About on a par with this is the assertion of Mr Gray, who wrote what he calls a *History of Oregon*, that two jovial priests, brought to the Oregon coasts by the Hudson's Bay Company, discovered, when wandering among the Rocky Mountains, pure silver and golden ores, specimens of which they carried to St Louis and Europe. What their jollity had to do with it the historian does not explain; nor does he give us proof that any assertion of this kind was made by them prior to the discovery of Marshall.

Governor Alvarado thinks it impertinence on the part of Sutter and Marshall to claim the honor of the gold discovery; for in the fourth volume of his *Historia de California* he observes, "que el pueblo Americano es esencialmente egoista cuando trata de hacer aparecer al señor Marshall como primer descubridor del oro en California; que en buena hora la legislatura dé premios y pensiones á quienes se le Antoje, yo no me mezelo en esos asuntos, desde que mi voz sería demasiado débil para efectuar reformas que la mayoría de los legisladores no desean ver implantadas; pero exijo que no se ciña con laureles que de justicia pertenecen á mis compatriotas, la frente de Sutter, Marshall y demás aventureros que a cada bienio se presentan ante la legislatura del Estado reclamando recompensas por servicios que han estado muy léjos de prestar, y por descubrimientos que habian sido hechos mas de quince años ántes que los titulados descubridores del oro Viniesen á California."

My old friend Warner gives the most plausible explanation as to the origin of the many ungrounded

rumors concerning the early discovery of gold in California. Several persons, he says, coming to this country, brought with them bullion or dust, to be used as money, which passing into commerce, was handled by different persons and shipped at various times to various places. Thus Palacios, arriving in 1834 as agent for a Guaymas merchant who had previously shipped goods to California, and had purchased land and cattle, brought a considerable quantity of grain gold and silver bars, obtained in Sonora, wherewith to facilitate his operations. About the same time J. P. Leese arrived from New Mexico, having in his possession placer gold to the value of several thousand dollars. A large proportion of this treasure fell into the hands of the agents of Boston merchants, and was shipped to Boston, California thus acquiring the reputation in certain circles of a gold-producing country. Thus Mr Dana, referring to the cargo of the *Alert*, states, in his *Two Years Before the Mast*, that among other things was a quantity of gold-dust brought from the interior by Indians or Mexicans. And he learned further from the owners that it was not uncommon for homeward-bound vessels to have on board a small quantity of gold. Rumors of gold discoveries were then current, he adds, but they attracted little attention.

In Mexico, by a law of March 24, 1835, was created the *Establecimiento de Mineria*, which body was to superintend the mines of California, in case there were any, as well as those of northern Mexico.

Notwithstanding all these affirmations, oaths, and prophecies, Alexander Forbes, in 1835, writes: "There are said to be many mines of gold and silver in the peninsula, but none are now worked, unless, indeed, we may except those of San Antonio, near La Paz, which still afford a trifling supply." And again: —"No minerals of particular importance have yet been found in Upper California, nor any ores of metals." And speaking of the coming of Hijar's

party, he says, "There were goldsmith's proceeding to a country where no gold existed."

While on a visit south in 1874, I met at San Luis Obispo, Mr Henry B. Blake, author of a historical sketch of southern California, who stated that the first gold shipped from California was in 1836, and came from the source of the Santa Clara river.

With regard to gold in Lower California, the *Penny Cyclopædia* of 1836 says:—"The mineral riches are very inconsiderable. Only one mine is worked about ten or twelve miles northwest of La Paz, where gold is extracted, but the metal is not abundant." The San Antonio mine is the one referred to. "It is supposed that the western declivity of the mountains contains a considerable quantity of minerals, but if this be the case they will probably never be worked, as this part of the peninsula is quite uninhabitable." And the country to the northward is not very different in the opinion of this writer, who continues: "In minerals Upper California is not rich. A small silver mine was found east of S. Inés, but it has been abandoned. In one of the rivers falling into the southern Tule Lake, some gold has been found, but as yet in very small quantity."

CHAPTER III.

FURTHER RUMORS OF THE EXISTENCE OF GOLD IN CALIFORNIA PRIOR TO THE DISCOVERY BY MARSHALL.

Is yellow dirt the passion of thy life?
Look but on Gripus or on Gripus' wife.
—*Pope.*

NEARER the mythic than any we have yet encountered, in point of elaboration at least, is the story told in 1865 by the Paris correspondent of thé London *Star*. The writer claims to have discovered, in a private collection in Paris, belonging to an antiquarian named M. le Carpentier, the first gold found in California. It was in this wise: During the revolution of 1830, and for years afterward, M. le Carpentier had felt somewhat nervous lest his collection should be seized by a mob or by burglars, for it was now very valuable. While in this frame of mind he was startled, late one night in 1837, by a loud knocking at the street door. After some delay he opened it with great precaution, and there stood a middle-aged man, emaciated, apparently in wretched health, and in tattered garments.

"You do not know me," began the individual, speaking somewhat wildly, "but I know you, and that is enough. I want you to assist me in applying to government for a vessel and a hundred men, and I will bring back a ship-load of gold." The antiquary's face showed what he thought of the proposal.

"Oh, I am not mad," the invalid continued. "See here! You are wise. You know the value of this"—producing from his pocket a large piece of quartz, richly impregnated with gold. M. le Carpentier was

a kindhearted man but not avaricious, and he still thought his visitor a little insane. Leading him within, he set food before him, and then giving him for a piece of the quartz a napoleon, and telling him to call again whenever he pleased, dismissed him. The man never reappeared, but the rock, when analyzed, was found to be rich in gold. Fifteen years elapsed, and the incident was well-nigh forgotten, when one day a small, heavy parcel, enclosed in a torn and greasy handkerchief, was handed with a letter to the antiquarian, by the keeper of a lodging house in a neighboring street, who said that they were left there by a man who had died, and that they had been a long time mislaid. What was the antiquary's astonishment, on opening the letter, to find it from the poor invalid, and dated but a few days after his visit, while the heavy package was the block of quartz.

"I am dying," he wrote. "You alone listened to me. You alone stretched out a helping hand. I bequeath you my secret. The country whence I brought this gold is called California!"

It is stated that a Scotchman, Young Anderson by name, attempted, in 1837, to enlist English capital in mining ventures, through representations made to him by a Guatemalan priest who had lived in California, that gold existed in the neighborhood of San Francisco. The Scotchman was unsuccessful.

In 1851, some three years after Marshall's discovery, it was related in the *Worcester Transcript* that one W. F. Thompson, an experienced trapper, remembered having found gold while on the north Yuba, some twelve years before, a pound of which he carried with him to Fort Leavenworth. There he left it, no one seeming to know or to care what it was. When tidings of the gold excitement were noised abroad, he was engaged in trapping in the far north, and recognizing his mistake, at once hurried back to the spot, only to find every inch of the ground uprooted.

There was quite a mania for mining in Alta Cali-

fornia about the year 1840. Silver was then the attraction, rather than gold. Men, women, and children talked about their ores very much as in later years stocks were discussed. Copper was about that time discovered at Soledad pass, some ninety miles north of Los Angeles.

The *Quarterly Review* of 1850 states that the English botanist, Douglas, was blamed for not having discovered gold on this coast after having travelled over so much of it, and that, too, when "the roots of some of the pines sent home to England were found to have small flakes of gold held together in the clotted earth still attached to them!"

Juan B. Alvarado says that the rings which he used at his wedding, in August 1839, were of California gold, and that his eldest daughter has still in her possession a golden ring fashioned in 1840 at Monterey from metal procured at San Fernando.

In his manuscript dictation, *California 1841–8*, John Bidwell remarks: "Among our party of 1841, the general opinion was that there was gold in the Rocky Mountains. Some trapper in the Black Hills had picked up a stone, and carried it with him for a whetstone, and in the pocket in which he carried the stone he found a piece of gold. My comrade, James John, before mentioned, actually proposed to me, while we were crossing the plains, to remain behind the company in the Rocky Mountains to hunt for gold and silver. It was almost a daily occurrence to see men picking up shining particles, and believing them to be something precious."

When James D. Dana, of the United States' exploring expedition entered California from Oregon, in 1841,—it is remarkable how many authors copy each other's errors, and write this date 1842,—he noticed that "the talcose and allied rocks of the Umpqua and Shasty districts resemble in many parts the gold-bearing rocks of other regions, but the gold, if any there be, remains to be discovered." And on his re-

turn, when he published his book on geology, he made mention of gold-bearing rocks and quartz veins both in Oregon and California. Hence the report became current, after the discovery of gold, that Dana had told of its existence in California seven years before, which was not the case, as he himself distinctly states. "It is very doubtful," justly observes Tuthill, in his *History of California*, "whether it occurred to Professor Dana that there was gold to be found here in quantities that would ever get into more practical use than to lie as rare specimens behind plate doors in the mineralogical cabinets of the colleges." Murchison made similar remarks on the auriferous rocks of Australia, and so have twenty other persons spoken of twenty other places, which, however, is far from the actual discovery of gold. It is, moreover, a little singular that so shrewd a man, and so experienced a scientist as Dana, should not have seen the gold which with the sand and gravel he displaced during his journey along Feather river.

James Anthony Froude claims that by reason of his geological knowledge Sir Roderick Murchison was enabled to foretell the discovery of Australian gold. It is true that Murchison said that this metal might be found in Australia; a safe affirmation for one laying no claim to geological divination, and considering the size and character of the country.

At last we have a veritable gold discovery, and gold mines worked in Alta California, with greater or less success, for a period of six years prior to the discovery of Marshall. They were situated in the San Fernando valley, on the rancho of Ignacio del Valle, fourteen leagues from Los Angeles, and eight from the San Fernando mission, toward the Sierra Nevada. The discovery, which occurred in March 1842, was in this wise: Two vaqueros were searching for stray cattle in the valley, and when tired, threw themselves upon the ground to rest. One of them casually taking some earth in his hand, noticed shining particles,

which he fancied were copper. He showed them to his companion, who said they looked like gold, and then scraped up some earth, and rubbing it between his hands, found more of the metal. Both decided to take the dust to Los Angeles, and ask the opinion of some of their friends who had worked in the mines of New Mexico. It was not until some days later that they arrived there, and showed it to certain Sonorans who were then at the settlement. They declared that it was placer gold, and asked Francisco Lopez—for that was the name of the man who found it—to take them at once to the locality. Soon afterward they set forth, with a number of their friends, for the San Fernando valley, guided by the two vaqueros.

Another version of the discovery is, that in the early part of 1840 Don Andrés Castillero, a Mexican mineralogist, picking up a pebble, called tepustete by Mexican placer miners, in the vicinity of the Las Vírgenes rancho, remarked that wherever these stones were found gold must exist. Francisco Lopez, the discoverer, overheard the observation and remembered it, when, some months later, while plucking wild onions, a similar pebble was found in the soil around the roots. He set to work examining the earth, and found a grain of gold. Juan Manuel Vaca, owner of the rancho on which was built the town of Vacaville, was the first to carry the news to Governor Alvarado at Monterey, presenting him with an ounce of gold contained in quills, from which was made a pair of earrings for his wife and a ring for his eldest daughter.

In 1842, these mines were worked for a distance of ten leagues, and in 1844 for thirty leagues. The gold was of the best quality, and many representations were made to the supreme government urging the necessity of thorough surveys, and of developing the mineral resources of California. In the *Coleccion de documentos relativos al departamento de Californias*, Manuel M. Castañares writes, "this branch ought to be considered less worthy of attracting attention than

agriculture. It is nevertheless, of great importance, and I have the satisfaction of assuring you that it forms in California one of the most valuable resources which that department contains."

The bed whence the gold was obtained was of gravel, and the cuts into the banks, even as late as 1845, did not exceed thirty feet. Some of the more experienced miners, were able by merely looking at the ground, to tell whether or not it contained gold, and would scrape the surface with a scoop or spoon made of bullock's horn. The earth was then thrown into a basket, which was emptied on a platform made of stakes about three feet high, driven close together into the ground, with poles placed lengthwise and filled in with grass, the whole being covered with a cotton sheet. Then water from a distance of six feet was thrown over the mud, and in an hour or two the dirt would be washed away while the gold remained.

As soon as this gold discovery was more generally known, many people flocked to the mines, and in May 1844, Ignacio del Valle was appointed juez de policía, and Zorrilla, his substitute, to keep order, as well as to levy dues upon the sale of liquors, to portion out the land, and to impose taxes if necessary. It was his business likewise to collect fees for wood, pasture, and mineral privileges. About this time there were one hundred persons at work in the mines; but the numbers decreased as the running water failed, which they continued to do until the miners were unable to obtain enough to drink. They were a steady and hardworking people, but with all their labor were unable to earn more than from one to two dollars a day. So scanty indeed were their earnings that no taxes or dues were levied for that year.

Abel Stearns in November 1842 sent to the Philadelphia mint for assay, as specimens of this placer gold, eighteen and three quarter ounces mint weight, and twenty ounces by California weight, which in

August following was returned with the accompanying certificate. "Before melting 18 34-100 oz.; after melting 18 1-100 oz.; fineness, 926-1,000; value $344.75; deduct expenses, sending to Philadelphia, and agency there, $4.02; net $340.73."

By December 1843, two thousand ounces of gold had been taken from the San Fernando mines, the greater portion of which was shipped to the United States; and from that time little is heard of the place till in 1845 Bidwell visited it, and found only thirty men at work whose gains did not exceed twenty-five cents a day.

E. E. Pickett states that in 1842 he met men in the Rocky Mountains who had been in California and who said that gold was there. "They were not the first to give such information since I had read the same when a boy." It is such statements as this that have so often deceived the public. Mr Pickett never read of gold in Alta California when a boy. "The first hide drogers and other traders who visited this coast, even as long ago as the last century, obtained small quantities of gold-dust washed from the earth in the southern part of the state." This assertion is likewise misleading if not absolutely untrue. I have elsewhere explained how small quantities of gold found their way to the coast.

In the *Emigrant's Guide to Oregon and California*, by L. W. Hastings, printed at Cincinnati in 1845, appears the following:—"The information which I was able to acquire does not afford me sufficient data upon which to predicate any very accurate conclusions in reference to the mineral resources of California; but sufficient investigations have been made to determine that many portions of the mountainous regions abound with several kinds of minerals, such as gold, silver, iron, lead, and coal, but to what extent, the extreme newness and unexplored state of the country, utterly preclude all accurate determination. It is, however, reported in the city of Mexico, that some

Mexicans have recently discovered a section of country, in the extreme interior of California, which affords ample evidences of the existence of both gold and silver ore, in greater or less quantities, for thirty leagues in extent. Since this report is so very extraordinary, and since it originated as above stated, the safest course would be to believe but about half of it, and then, perhaps, we should believe too much. Doctor Sandels, a very able mineralogist, who had for some time been employed in his profession by the government of Mexico, spent four or five months in mineralogical investigation in Upper California. It was from this gentleman that the above information was derived, hence it is entitled to implicit reliance." Sutter took a great interest in this scientist, and in his labors. Sandels was a Swede educated in London, as Bidwell says, though Thorpe affirms that he obtained his education in a government institution in his own country, and that he called himself one of the king's orphans; that is, in return for an education at the expense of the government he was to make investigations in foreign parts for the benefit of the institution, such being one of its regulations. Others say that he had lived in Mexico and was sent by the duke of Bedford to explore California.

Bidwell thinks that he had been in Brazil, and was for some time associated with M. Bonpland. He is said to have been robbed in Mexico, of the proceeds of property sold in Brazil to the amount of $189,000, though how the king's orphan obtained such a sum no one attempts to explain. Sandels spent several days at New Helvetia enjoying the hospitality of its proprietor, who took great delight in his society. Seeing him so much interested in minerals, and so unwearied in his researches thereabout, Sutter said to him one day, "Doctor, can you not find me a gold mine?" Placing his hand upon the shoulder of his host, the doctor replied, "Captain Sutter, your best mine is in the soil. Leave to governments to provide

the currency." This was in 1843. Bidwell further states that Sandels explored as far north as Chico creek. Mr Dickey was with him. They did not examine any mountains except the Buttes. On his return to the fort Sandels reported "indications of gold, but that unless the mountains on the sides were richer than those in the valleys, the mines would not pay to work."

A man came from the southern part of California to Sutter Fort in the autumn of this same year, 1843, calling himself Juan Baptiste Ruelle. In an old quill, which looked as if it had been brought from New Mexico, were a few particles of gold, which he said he had found on the American river. This excited the suspicions of Bidwell, who was present, and these suspicions were increased when the man asked for two pack-horses laden with provisions, and an Indian boy to attend him. He wished to go in search of gold, he said, and he would be absent several days. There was a company of Canadian trappers in the vicinity about to start for Oregon. It was not known that Ruelle belonged to them, but it was feared that with so valuable an outfit he might forget to return. Hence his request was denied.

E. Stevens, a practical gold-miner from Georgia, and the leader of Townsend's party in 1844, came to California with the avowed purpose of discovering gold. While crossing the Rocky Mountains, or shortly afterward, he thought that he recognized indications, and one night, when encamped at some point in Utah, washed out a small quantity of dirt and found the color. Nevertheless, this mining expert and professed gold seeker crossed the Sierra, returned to its summit in the spring for the wagons of his party, and thence to camp, thus, without being aware of it, travelling several times over the very ground of which he was in search. In the *Southern Quarterly*, in 1845, some one made hap-hazard the fol-

lowing statement, referring to California: "In the heart of the country rich veins of gold ore exist."

Both silver and gold were reported north of San Francisco bay in 1845: "Mines of gold, silver, copper, lead, sulphur, and quicksilver," writes an emigrant in 1846, "are being found in all directions." And then he mentions as in operation two quicksilver mines, yielding thirty per cent of pure ore, one on the north and the other on the south side of San Francisco bay. "No less than seventy denouncements of mines have been made to the alcalde of San José within the last five months...The evidences now are that there is a vast field for mining operations about to open here."

Reporting to Commander Montgomery May 2, 1846, in answer to a request for information respecting mines in California, Thomas O. Larkin, United States consul at Monterey, makes the following statement: "At San Fernando, near San Pedró, by washing the sand in a plate, any person can obtain from one to five dollars per day of gold that brings seventeen dollars per ounce in Boston. The gold has been gathered for two or three years, though but few have the patience to look for it. There is no doubt in my mind but that gold, silver, copper, quicksilver, lead, sulphur, and coal mines are to be found all over California. But I am very certain that they will under their present owners continue as they are. The Indians have always said there were mines, but would not show their location, and the Californians do not choose to look for them." Elsewhere in his report he mentions the copper mines of Juan Bandini, ninety miles south of San Diego; coal on the rancho of Rafael Gonzalez, seventy miles south of Monterey, and at San Pablo; sulphur beds twenty-five miles north of Monterey, and also near Sonoma; silver mines about sixty miles north of Monterey; asphaltum in various places; quicksilver near San José and Sonoma; silver and lead twenty miles from Monterey;

lead on the rancho of Captain Richardson; black lead at various points, and slate on the Sacramento river.

On the 4th of May, 1846, Larkin writes from Monterey to the secretary of state at Washington: "By the laws and customs of Mexico respecting mining, every person or company, foreign or native, can present themselves to the nearest authorities and denounce any unworked mine. The authorities will then, after the proper formalities, put the denouncer in possession of a certain part of it, or all; which is, I believe according to its extent. The possessor must hereafter occupy and work his mine, or some other person may denounce against him. In all cases the government claims a certain portion of the product. Up to the present time there are few or no persons in California with sufficient energy and capital to carry on mining, although a Mexican officer of the army, a padre, and a native of New York are, on a very small scale, extracting quicksilver from the San José mine."

Besides the statements having some pretentions to truth were many absurd stories; such as that gold was discovered by the Mormons in fulfilment of a prophecy of Joseph Smith; and again, that a Pawnee chief, to whom Sutter had given a rifle, and who died some three months later, appeared to Sutter in the spirit and told him where to find gold, begging him meanwhile to buy with it a rifle for every member of his tribe. In 1864 John Bidwell was told by Brigham Young that some of his men claimed to have found gold prior to the discovery of Marshall, but that it was doubtless a mistake.

After a brief visit to California L. W. Sloat, in December, 1846, read a paper before the Lyceum of Natural History in New York, in which he said: "I am confident that when it (California) becomes settled, as it soon will be by Americans, the mineral developments will greatly exceed in richness and variety the most sanguine expectations"—which after all was no very remarkable prophecy.

Juan Bandini imagined, in 1846, that the hills around San Diego were impregnated with metal; indeed a metal of some unknown description had already been discovered. Writing in his *Historia de la Alta California* he says: "Empero, de lo que yo creo que son abundantes estas pequeñas sierras es de metales, pues todas las piedras de la superficie asi lo indican, y aún se ha sacado para fundicion un metal cuya calidad no se ha conocido, atribuyendo esto á la escaséz de hombres de conocimientos mineralógicos."

"During 1847," Picket says, "and particularly in the fall of that year, there was quite an excitement in San Francisco and San José on the subject of mineral discoveries. But this was mostly in reference to quicksilver and silver mines, which were reported to be rich and numerous in the hills and mountains bounding both sides of the valley of San Jose. Toward winter this excitement subsided, all the silver mines having proved to be humbugs."

One George M. Evans, of Oregon, aspires to the distinction of having been among the first to find gold in California; or at least he attempts to throw Marshall into the background. If what he claims for himself has no better basis of truth than what he claims for others, he may take the palm for unblushing impudence and mendacity. Meanwhile let him be satisfied with the notoriety to which he has already attained; for its odor will not be improved by further agitation. So far as I am able to ascertain, it was he who started the story of Cabello, before mentioned, and most bungling work he made of it. Will Mr Evans tell us to what lingo belong the words *placeros*, and *Recordado en Historia el California Alta*, and how he obtained information that the mission of San José was built on the bay of San Francisco in 1672, a hundred years before ever a Franciscan was on the ground?

I do not say that all which he affirms is false, for I have no means of knowing. I only say that the statements which I know to be false cause me to distrust all his

assertions. A Mexican named Salvador, he says, was shot at Yerba Buena in the autumn of 1845. On his person was gold-dust to the value of a thousand dollars or more. He at first refused to tell where he obtained it; but in his dying hour relented, and pointing "in the direction of the San José mountains," cried, "lejos! lejos!" Where the San José mountains are situated, or what mines were ever found beyond them, Mr Evans does not relate. While with a party of Mormons, who, in the autumn of 1846, ascended the San Joaquin river, on "the sand point of the small island opposite to what is called the entrance to Stockton, then called Lindsey's lake," he picked up some yellow specks from the bank, and remembering what the Mexican, Salvador, had said, wrapped them in paper, took them to Yerba Buena, and testing them with acids found them to be gold.

If this be true, why did not Mr Evans gather gold, or publish his discovery? Because, as he claims, of "not having any idea of the gold being in such quantity as was afterward proved." But if it was not there in quantity sufficient even to be worthy of mention, where did Salvador obtain his bag of it? Again in August, 1847, in company with Reading and Perkins, Evans writes, "we explored the mountains near San Diego, and near the river Gila, where we found gold more abundant than has since been found on the north fork of the American." If this was true it is singular that some one did not go there and gather it.

Once more, on being informed by Henderson Cox that he and others were about to explore a route across the mountains for the approaching Mormon exodus, he told him of Salvador, and drew for him a chart of the country. Cox went his way, came upon Mormon island and the gold there, and invited Evans to join him. The latter reached that point on the 19th of January, 1848, and by the 8th of February had nineteen thousand dollars. On the next day

while he and others "were in the lower end of the mill-race, Marshall the overseer and his little girl came in, and the child picked up a pretty stone, as she called it, and showed it to her father who pronounced it gold. He was so excited about it that he saddled his horse and that day rode to Sutter's fort to tell Captain Sutter, but he did not believe it worth notice, and for a while the idea died away. The Mormons wishing to keep their discoveries a secret from people not Mormons worked out the gold and said nothing more...Marshall died either four days before he arrived home in the eastern states with a barrel of gold, or four days from the coast." Amongst the falsehoods so thickly scattered here, it is difficult to detect a particle of truth. Marshall never went east never had a barrel of gold; was not dead; the Mormons never worked out the gold; never wished to keep their discovery secret from all who were not Mormons, nor did they first discover gold; Evans was not present when the first gold was found at the saw-mill; the idea with Sutter never died away; Cox and Beardsley were not the first to find Mormon Island; Sutter did believe Marshall's statement backed by the evidence worth his notice; Marshall's child did not pick up the gold; Marshall had no child present; and so on back to the beginning. I must apologize for occupying so much space in criticising a work so unworthy of notice as that of George M. Evans; but if this for myself be necessary, I should apologize in a ten-fold degree for the many journalists, here and in the east, who published his Munchausenisms as facts, and thus imposed on a credulous public. One of his statements Evans concludes with the offensive intimation that he would not object to a gift from the government in return for the inestimable benefit conferred by him on mankind. Several attempts have been made to rob Marshall of the honor of the discovery; but so far from the existence of extensive gold deposits being known prior to

the building of the saw-mill, it was with difficulty men could be made to believe the fact even after it was ascertained beyond a doubt.

I will inflict upon the reader but one more of these pure inventions whose sole merit is their extravagance. A stranger giving his name as Bennett entered Brown's hotel, San Francisco, in the summer of 1847. After inviting the landlord to drink, he asked him whether he knew of any one having a thousand dollars to invest in something which would yield enormous returns, and being thereupon introduced to one George McDougall, said that he wanted a thousand dollars to invest in blankets for traffic with the Indians, offering as security two small bags containing what he declared to be gold. The men of San Francisco looked at the backwoodsman as if they thought him demented. Meanwhile McDougall's wrath was rising, and finally he broke out. "Do you think I am a fool!" Bennett walked off, muttering "Yes, I think you are; and you will find it out one of these days." In the autumn of the following year he again visited San Francisco and showed Brown three hundred pounds of gold-dust, stating that after his interview with McDougall he went to Monterey to obtain either the money or the blankets from Thomas O. Larkin, "but as soon as he laid eyes on him he concluded not to ask."

In 1847 three noted characters of the day, Mountain Jim, Dutch Fred, and Three-fingered Jack sported silver buttons in Monterey, the metal wherefor, they said, had been taken from the old Indian claim on the south branch, or Carmelo creek. Some soldiers traded government rations for the buttons, and the army paymaster finally had them assayed at Washington where they stood the test. It was common enough in 1847 and 1848 to see silver in the hands of the natives at the Carmelo; but little was thought of it at the time, for during the war many mission flagons, censors, chalices, and candlesticks

had been melted down, the metal finding its way into trade.

In his message of 1848, President Polk stated that at the time of the acquisition of California, the existence was known of precious metals to a considerable extent—referring of course to the developments in the southern part of the state.

"Although rumors of the existence of gold in California had occasionally been heard," said Dwinelle in an address before the society of Pioneers in 1866, "still they had never been verified or traced to any reliable source; and they were regarded as we now regard the fabulous stories of the golden sands of Gold Lake, or those of Silver Planches which are said to exist in the inaccessible deserts of Arizona."

Tinkham, in his *History of Stockton*, says that Weber was not surprised to hear of Marshall's discovery, "as he knew that gold existed in the mountains of San Luis Obispo and Santa Bárbara, because he had received dust in small quantities from the Mexicans at San José"—a reasonable deduction truly!

The reader has probably observed how many there were who already knew of the existence of gold in California as soon as Marshall discovered it. Sutter never pretended to this, though he thought it strange that the natives had not brought him gold, for he was always urging them to collect for him any curiosities that could be gathered in the mountains; in answer to which appeal were brought to him plants, animals, birds, fruits, pipe-clay, red ochre, and legends of various kinds, but never gold.

"I was in possession of a fact," writes the Rev. W. Colton, alcade of Monterey, in May 1849, "which left no doubt of the existence of gold in the Stanislaus, more than a year prior to its discovery on the American Fork." Reverend and dear sir, no one doubts that gold was there before Marshall found it; it is the knowledge of its existence that was not as yet revealed. "A wild Indian," Mr Colton continues, "had strag-

gled into Monterey with a specimen which he had hammered into a clasp for his bow. It fell into the hands of my secretary, W. R. Garner, who communicated the secret to me. The Indian described the locality in which it was found with so much accuracy that Mr Garner, on his recent excursion to the mines, readily identified the spot. It is now known as Carson's Diggings... It was the full intention of Mr Garner to trail this Indian at the first opportunity, and he was prevented from so doing only by the imperative duties of the office."

Both Parsons and Barstow affirm that previous to his discovery, Marshall had often expressed his belief in the existence of gold in the mountains; and Mrs Weimer goes so far as to assert that the discovery was not accidental. It is indeed somewhat remarkable that the secret remained so long unrevealed. The ground had been traversed these many years by natives, by servants of the fur-companies and free trappers, by emigrants, by explorers, and by professional scientists who observed nothing, notwithstanding that the tell-tale blush was there upon the foothills plainly visible to those who could read it. And yet it is no matter for surprise. Do not even the most gifted in this latter-day dispensation, with all the brilliant light revealed by science, walk as men blind or dreaming, while on every side, wrapped in the invisible, or latent in the earth and air and sky, are secrets as manifold, and as pregnant with meaning as any hitherto divulged, awaiting but the eternal march of mind?

If Dana and Sandels, or any of those who have been heedlessly credited with the discovery, had really found gold as did Marshall, and had published it to the world as did the teamster, how different might have been the destiny of the Pacific coast nations. To England, or to France, either of which countries would have paid thrice over the paltry fifteen millions and the indemnity due the United States,

California might then have belonged; or even Mexico herself might have awakened from her lethargy, and gathered from this new-born El Dorado sufficient gold wherewith to satisfy her creditors. In such a case how different would have been the appearance, for better or worse, of the hills and valleys of the golden state.

Morever, without the gold of California to counterbalance that which England found in Australia, where would have been the commerce of the United States? Where would have been our credit during the war for the union, when even with California gold, poured into New York at the rate of three or four millions a month, the federal promises to pay fell to one-third of their face? The vital sustenance of that war was California gold and Nevada silver, without which foreign occupation in the Pacific States was possible, and foreign domination, with abolition of Monroe doctrines and the like, extremely probable.

In conclusion, it is hardly necessary for me to state that there is as yet no sufficient evidence of any knowledge by white men of the existence of gold in the Sierra foothills, prior to the discovery at the Coloma saw-mill on the 24th of January, 1848. Even were it not so; if, for instance, as in the case of America and the Northmen, the existence of the continent had been once known, and the knowledge lost or forgotten, to Columbus, none the less, would belong the honor of discovery. So with Marshall. There may have been some who thought of gold, or talked of gold, or even handled gold before January 1848; but, none the less, to James Marshall belongs the honor of its discovery, if indeed, it can be called an honor. The difference in the merit of the two discoveries, not to mention their relative importance, as to which, of course, there can be no comparison, is that in the one case Columbus believed in a new world and sought it, while Marshall stumbled on his discovery by the merest accident.

CHAPTER IV.

AFFAIRS ABOUT THE COLOMA SAW-MILL DURING THE SPRING OF 1848.

Plutus. I shan't go near that fellow, Jupiter.
Jupiter. How, my good Plutus, not when I bid you?
Plutus. No. He insulted me, turned me out of his house, and scattered me in all directions,—me, the old friend of the family, all but pitched me out of doors, as if I burnt his fingers. What! go back to him, to be thrown to his parasites, and toadies, and harlots? No; send me to those who value the gift, who will make much of me, who honor me, and desire my company, and let all these fools keep house still with Poverty who prefer her to me. Let them get her to give them a spade and an old sheepskin, and go dig for their two-pence a-day, after squandering thousands in gifts to their friends.
Jupiter. Timon will never behave so to you again.

—*Lucian.*

When at length civilization began to creep into the cañons of the Sierra foothills, and the cry of gold was raised, how was answered the mill-race digger's shout? Tamely enough, at first. Few heeded it, or imagined that it amounted to any more than a thousand other great or small discoveries made since Spaniards began their explorations northward from Mexico. Gold was thinly distributed over wide areas, with richer deposits at intervals, so that for one great discovery, there were a hundred which were hardly worth attention.

When bags and bottles of it were displayed at Benicia, at Sonoma, at San Francisco, and Monterey, the sleepy towns began to rub their eyes, and awake to the fact that here was gold, bright yellow hard gold, and in such quantities as might well and quickly claim their consideration. The quiet of pastoral California was disturbed; the pulses of the people quickened as with one accord they directed their eyes northward. Thence spread the news to Mexico, to Oregon, to the islands of the sea, to the eastern shore of the continent, to South America, and to the conti-

nents of the so-called old world. White people heard of it, and black people; coppery, red, and yellow people,—came rushing in from every quarter, all eager for some of the delectable dirt.

Much has been written regarding the Coloma gold discovery. Much about it worth knowing remains unwritten. The choicest unpublished information to my knowledge is that contained in the manuscript of Henry W. Bigler, *Diary of a Mormon in California*, who was on the ground at the time, with a remarkably clear head and ready pen. The statement given me by Mr Sutter at Litiz, and contained in the manuscript entitled *Personal Reminiscences of General John Augustus Sutter*, is also exceedingly interesting and valuable. I will herewith present verbatim several of the more important accounts of the discovery.

Marshall was a queer genius. I speak with exactness, for he was both a genius and queer. I have in my possession an old daguerreotype which is unlike any other portrait that I have seen. Parson's *Life of Marshall* is the best book upon the subject extant. Naturally kind and humane, his mind dreamy while his faculties were in repose, but of cragged disposition and inclined to be a little fierce when roused, all along his later life he was made morose by what he deemed injustice and neglect on the part of the people, and of the government. "The enterprising energy of which the orators and editors of California's early golden days boasted so much as belonging to Yankeedom," he writes bitterly in 1857, "was not national but individual. Of the profits derived from the enterprise it stands thus, Yankeedom $600,000,000; myself individually $000,000,000. Ask the records of the country for the reason why? They will answer, I need not. Were I an Englishman, and had made my discovery on English soil, the case would have been different." Mr Hittell visited him at Coloma in his retirement, where he alone remained of all those early discoverers. "No photograph of him has ever been

obtained" he said. "I requested him to let me get a negative, from which I would have pictures taken and sold in San Francisco for his benefit, but he refused indignantly. The thought of the injustice that had been done him made him unhappy. He wanted no allusion made to the debt due by California to him. Others have been loaded with wealth and honor, and he has been left to struggle along in poverty and obscurity, he who discovered the gold that made California what it is." Poor Marshall! Too simple and sensitive by half! Had he made the gold, and it had been stolen from him by an ungrateful republic, he would not have been in his own opinion more cruelly wronged than by this neglect to reward him for—what? Yet we can but feel kindly toward the man who, though mistaken in what constitutes greatness, and merit worthy of public reward, was nevertheless well-meaning, honest, and industrious. His name will forever be conspicuous in the annals of the country, howsoever accidentally it became so.

Yet far more than in picking from the historic tail-race the first particle of the divine dirt found there, Marshall had often played the hero. The world knows its impudent men, its brassy, bellowing fellows; but how few of its real noblemen! Many generous deeds are recorded of Marshall while in the war; and it was not an unmanly act, the saving his saw-mill, in the way he did, from a freshet which threatened it just before the discovery of gold. The dam was built of brush with the butts laid down stream. The rains coming on, the river rose, and fears were entertained that the works would all be swept away. Side by side with his men, Marshall worked day and night, and received therefor the praise of his partner, and the respect and admiration of his associates. Up to his waist in water, in constant peril of his life, for many hours he worked, and finally succeeded in anchoring the mill in safety.

Marshall claimed to have been the cause of the dis-

covery of gold in Australia as well as in California. The story goes that an Englishman, named Hargraves, came one day to the Coloma mill for lumber. He seemed specially in a bad humor, for he was cursing California, and the people, and lauding to 'eaven hevery thing, Haustralian and Henglish. Marshall let him go on for a while without saying a word. Finally he broke out:

"See here, my friend!" if you don't like this country, why do you come here? Nobody invites you. Nobody will cry if you take yourself off. Go home and dig gold. I warrant you I could find the stuff in Australia." The speaker, beginning sharply, had gradually, almost unconsciously dropped into a meditative strain.

The man took it up in earnest. Marshall was a great character thereabout; he had found gold in California, and surely he must know if it was in Australia.

"Do you really think so?" asked Hargraves.

"I am sure of it," said Marshall.

"If I thought so I would go." And he went. And for the millions of pounds sterling turned by this means into the British treasury, he received from the British government £5,000, and from the Australian government £10,000, while Marshall from his ungrateful country received nothing.

Everybody was busy and cheerful at the Coloma mill on the afternoon of the 24th of January 1848, for the heavy rains which had threatened to destroy the dam during the first half of the month had ceased, and the danger was past. There were several of the Battalion boys here at work in various ways. They had come hither, last from the half-completed flouring-mill at Brighton; and such had been their sufferings during their terrible march from Council Bluff and Santa Fé, as to make the double pine-log-and-clapboarded cabin seem exceedingly comfortable, and

the grizzly bears, and wolves, and wild Indians more companionable than civilized man with his detestable prejudices and tyrannies. Present assisting on the works were eight good Indians from New Helvetia, and because they would not speak when spoken to, the valley people did not like their brethren of the mountains, but called them *mala gente*, and wanted to kill them.

Weimer and his aboriginal mechanics were industriously employed in the lower part of the race, which by this time was nearly deep enough at that end. Up near the place where the mill-wheel was to be Bigler was drilling into an obstinate boulder. Bennett and Scott were working at the bench; Stephens and Barger were hewing timber; Smith and Johnson were felling trees. Near the men's cabin, and close by where Bigler was blasting, Brown was whip-sawing with an Indian. This heathen was greatly interested in affairs, and worked with a will; for he had been told that this machine when finished would saw out boards of its own volition; whereat he had responded that it was a lie. It was as good as a play to see this fellow when the mill was first started running. He was "completely beaten," Bigler says. "He lay on his belly, where he could have a fair view from the bank, but near the saw; and he lay there for two hours watching it. He was taken with it, and said it was *wano*—Indian Spanish for bueno—and wanted to be a sawyer right away."

Brown and Bigler were amusing themselves, while at their work, by quizzing the doubting aboriginal in the saw-pit respecting supernatural agency in the handling of saw-logs, when they were approached by a young Indian who requested them to get him a tin plate, at once, for Mr Marshall, who was at the lower end of the race with Weimer. Brown jumped off from the log, and brought from the cabin the plate, wondering meanwhile what Marshall could want with the thing. When about to quit work for the night,

Marshall came up and said, "Boys, I believe I have found a gold mine." The remark produced no startling effect upon his hearers, and Marshall walked off to his house on the mountain-side which he had lately built for himself. Later Marshall visited the men's cabin, and again remarked that he was almost sure he had found gold at the lower end of the race. Then he said, "Brown, I want you and Bigler to shut down the head-gate early in the morning. Throw in a little saw-dust, rotten leaves, and dirt; make all tight, and we will see what will come of it."

The men do as they had been told. And while they are at breakfast Marshall goes down to the mill-race alone. After breakfast the men come out, and each betakes himself to his work. Presently Marshall appears, his old white hat within his arm, looking wonderfully pleased. A smile overspreads his face, and the boys know that it means something unusual. Coming nearer, slowly, quietly, yet in heavy depth of tone he speaks: "Boys, by God, I've got it;" and he places his hat down on a bench in the mill-yard. All gather round to see what it is; and there, sure enough, on the top of the crown, knocked in a little, lies the worshipful metal. There is about half an ounce of it, in flakes and grains, from the smallest particle to pieces as large as a kernel of wheat or larger, and though not one of the party has ever before seen gold in its native state, there is no longer a skeptic among them. Azariah Smith draws from his pocket a five-dollar piece, part of his military pay, and compares it with the dust. There seems to be little difference in color or weight; the coin is somewhat lighter in tint, which is accounted for by reason of its alloy. Not a very crucial test, but all sufficient at this juncture.

Led by Marshall, all now hasten down the race, and soon are absorbed in picking from the seams and crevices the precious metal. They conclude that the deposit is rich; and from this time the fever

sets in. Further tests are applied, for trembling doubts will arise, and some is thrown into vinegar, and some is boiled in Mrs Weimer's soap kettle. Enjoining secrecy Marshall takes some of the gold and goes with it to the fort to have it further tested. And when he returns thus he delivers himself: "Oh boys! it's the pure stuff." Then he goes on to relate his adventure: "I and the Old Cap" for so he calls Sutter, "went into a room and locked ourselves up. And we were half a day trying it. And the regulars there wondered what the devil was up. They thought perhaps I had found quicksilver, as the woman did down toward Monterey. Well! we compared it with the Encyclopedia, and it agreed with it; we applied aqua fortis but it would have nothing to do with it. Then we weighed it in water; we took scales with silver coin in one side balanced by the dust in the other, and gently let them down into a basin of water; and the gold went down and the silver up." And he motions the manner of it with his hands. "That told the story what it was," he concludes.

Marshall reported further that Sutter would soon be there, and examine into the matter for himself. Sure enough, next day Marshall entered the men's cabin and said, "Boys, the Old Cap has come; he is up at my house. Now I will tell you what we will do. You know, he always carries his bottle. Let us each throw in and give Henry some gold, and in the morning, when you shut down the head-gate, let him take it down and sprinkle it over the base rock; and when the Old Gent comes down, and sees it lying there, he will be so excited that he will out with his bottle and treat all hands." It was agreed; the salting was done; and while the men were at breakfast next morning they saw Sutter, with Marshall and Weimer on either side of him, coming down to the mill. Sutter was dressed with care as became the owner of square leagues, and the commander of a fortress, and he walked with a cane. The men stepped out into the

mill-yard, and heartily and respectfully greeted their employer, who invited them to join the party in a walk down the race. While on the way one of Weimer's little boys ran on in advance of them, and seeing the shining substance so temptingly displayed, the pest picked up nearly every particle of it, and came running back almost out of breath, and crying, "Father! Father! See what I have found!" Marshall and his men each to heaven breathed a silent curse on that innocent head for having spoiled their fun. Sutter, seeing it, struck his cane into the ground and exclaimed, "By Jo! its rich." The boy had left unrifled the seams, and crevices, and gravel deposits, and the men after all had an exciting time of it gold-picking, Sutter among the rest.

There is little wonder the statements are conflicting when no one saw it all, and each was able to describe correctly only those parts of which he was an eye witness. And after innumerable repetitions and disputings, confusion arose. Some even denied that Marshall was the first discoverer at Coloma, but this assertion is not worthy of consideration. Then there was a controversy over the first piece found, and what became of it, more senseless than the rest. Sutter, at Litiz, showed me a ring upon which was engraved on the outside his coat of arms, and on the inside. "The first gold discovered in January 1848." And yet it was not, speaking with exactness, the first gold discovered; for Sutter says in his statement that some of it he picked up himself, and some was given him by the men then present. The ring weighed an ounce and a half. Then Mrs Weimer claimed to have had in her possession for many years the very first piece picked up, and which Marshall gave her. This cannot be true, as according to Marshall's testimony the first piece weighed fifty cents, whereas Mrs Weimer's piece was equal to five dollars and twelve cents. It is safe to conclude that the destiny of this first piece is lost to history.

The following copies of statements may be relied upon as correct, word for word with the respective originals. And as first in importance I give the account delivered me from his own lips by General Sutter.

One rainy afternoon in January 1848, Marshall, dripping with water, entered my office, next the guard house, in a hurried excited manner, and asked to see me alone in the big house, which was my private office, and the clerks' offices. I was surprised, because the day before I sent up all that he wanted, mill-iron and everything. I could not imagine what he wanted, yet I conducted him to my private rooms, parlor and bedroom, and we entered and shut the door. In this parlor I had very ancient furniture made by the Russians at Fort Ross, the first manufactured in California, being of laurel, and very clumsy. Yet it was better than the chairs in many rich men's homes of that period. Often have I gone into the house of a well-to-do owner of large herds of cattle, and have been offered a bullock's head to sit on, as a chair. Marshall asked me if the door was locked. I said, 'no, but I will lock it.' He was a singular man, and I took this to be some freak of his. I was not in the least afraid of him. I had no weapon. There was no gun in the room. I only supposed, as he was queer, that he took this queer way to tell me some secret.

He first said to me, 'Are we alone?' I replied, 'Yes.' 'I want two bowls of water,' said he. I rang the bell for a servant. I had six different signals for six different clerks and servants. The bowls of water were brought. 'Now I want a stick of redwood,' said Marshall, 'and some twine and some sheet copper.' 'What do you want of all these things, Marshall?' said I. 'I want to make some scales,' he replied. 'But I have scales enough in the apothecary's shop,' said I. I had all the time a doctor, when I could get one, and a hospital, and treated people without charge. 'I did not think of that,' said Marshall. I went myself and got some scales.

Meanwhile the door had become unlocked again, and so remained, although it was on the side of the room adjoining, my rooms being double. It was not my office, but my private rooms.

When I returned with the scales, I shut the door, but did not lock it again. Then Marshall pulled out of his pantaloons' pocket a white cotton rag, which contained something rolled up in it. Just as he was unfolding it to show me the contents, the door was opened by a clerk passing through, who did not know that we were in the room. 'There,' exclaimed Marshall, quickly thrusting the cotton cloth again in his pocket, 'did not I tell you we had listeners?' I appeased him, ordered the clerk to retire, and locked the door. Then he brought out his mysterious secret again. Opening the cloth he held it before me in his hand. It contained what might have been about an ounce and a half of gold-dust, flaky and in grains, the largest piece not quite so large as a pea, and from that down to less than a pin-head in size. 'I believe this is gold,' said Marshall, 'but the people at the mill laughed at me, and called me crazy.' I carefully examined it, and said to him, 'Well, it looks so; we will try it.' Then I went to the apothecary's shop, and got aqua fortis and applied it. The stuff stood the test. Marshall asked me if I had any silver. I said, 'yes,' and produced a few dollars. Then we put an equal quantity in weight of gold in one side and silver in the other, and dropping the two in the bowls of water, the gold went down and outweighed the silver under water. Then I brought out a volume of the old American encyclopedia, a copy of which I happened to have, to see what other tests there were. Then I said to him, 'I believe this is the finest kind of gold.'

Then he said he wished I would accompany him immediately to the mill. It was about supper-time, and raining hard. I said, 'You had better take supper now; I will go up early in the morning, as soon as I have given my

men orders and arranged the affairs of the day.' Marshall would not wait for supper or anything else, but mounted and rode off in the rain. The Spanish serapes were very good to keep the rain off.

At once, and during the night, the curse of the thing burst upon my mind. I saw from the beginning how the end would be, and the next day I had a melancholy ride of it to the saw-mill. Of course I knew nothing of the extent of the discovery, but I was satisfied, whether it amounted to much or little, that it would greatly interfere with my plans.

Attended by my sergeant and one of my soldiers—both Indians—I set out next morning for the mill. When about half way there I discovered an object moving about in the bushes near the road. Turning to my attendant I asked, 'What is that?' He replied, 'It is the same man who was with you last night.' Riding up, I found, sure enough, it was Marshall. It was then raining hard. 'Have you been here all night?' I asked. 'No,' he replied, 'I spent the night at the mill, and came back thus far to meet you.'

During our ride to the mill, Marshall was still very restless. He said he believed the whole country round was rich with gold. When we arrived he went with me to the mill-race. People were at work widening and deepening the race. Then he told them to quit work and let the water through. After it had run a while he ordered it stopped again. Meanwhile the water had washed the gravel and dirt away, and then we went in hunting for the little pieces such as Marshall had brought down. I picked some up, and then each of the Mormons gave me some, and Marshall gave me some, too. Then I said, 'This all must be made into a finger-ring, as soon as we can get a goldsmith,' and later this was done, and I have this ring now. Here it is. It weighs about an ounce and a half, and bears the inscription, 'The first gold discovered, in January 1848.' I had my coat of arms engraved on it.

I told the people there that it was gold, that there was no mistake, and that I only asked that its discovery should be kept a secret for six weeks until I got my flour-mill ready, and they all were very willing to do so.

But this was not to be. The men could not get along without provisions, and I sent some up by a Swiss teamster. I should have sent my Indians. Mrs Weimer had some boys, who said to the teamster, 'We have got some gold.' The man laughed at them, when the mother exclaimed, 'Well, you need not laugh. It is true we have found gold. Look here, what do you call that?' This woman little knew the consequences to me of this thoughtless wagging of her tongue.

The teamster secured some of this gold and returned to the fort. At that time Sam Brannan and George Smith, a relative of the great Mormon prophet, now high in the Utah church, kept a store in one of my outhouses near the fort. This was the first store, except my own, started in the valley. There were then a good many settlers in the valley, and they brought to this Mormon store hides, tallow, and skins, and took away manufactured articles. McKinstry, who was with me then, called it a shirt-tail store, for every time I wanted a few things for my Indians, the proprietors exclaimed, 'O, you will break the assortment!' Nevertheless, this store assumed great importance as soon as gold was discovered.

Women and whiskey helped the thing along. It was a fundamental and unalterable law of the shirt-tail store that credit should not be given for whiskey. This was altogether too valuable a commodity to be trusted out. The Swiss teamster was universally thirsty. He wanted now a bottle of brandy. At the counter where he had been so often refused, he presented himself, called for his poison, and at the same time proudly came down with the dust.

'What is that? You know very well liquor means money,' exclaimed brother Smith.

'That is money,' replied the teamster. 'It is gold.'

'Yes, yes, that will do,' said Smith. 'I have no time for your pleasantries.'

'Go to the fort and ask the captain if you don't believe me.'

Smith came in hot haste, and said, 'Your man came to me and said that this is gold. Of course I knew he lied, and told him so.'

'Nevertheless it is gold,' said I, and so the secret was out.

Next I will give the account by George Frederick Parsons, which may be regarded as the best of Marshall's versions:

On the morning of that memorable day Marshall went out as usual to superintend the men, and after closing the fore-bay gate, and thus shutting off the water, walked down the tail-race, to see what sand and gravel had been removed during the night. This had been customary with him for some time, for he had previously entertained the idea that there might be minerals in the mountains, and had expressed it to Sutter, who, however, only laughed at him. On this occasion, having strolled to the lower end of the race, he stood for a moment examining the mass of débris that had been washed down; and at this juncture his eye caught the glitter of something that lay, lodged in a crevice, on a riffle of soft granite, some six inches under the water. His first act was to stoop and pick up the substance. It was heavy, of a peculiar color, and unlike anything he had seen in the stream before. For a few minutes he stood with it in his hand, reflecting, and endeavoring to recall all that he had heard or read concerning the various minerals. After a close examination, he became satisfied that what he held in his hand must be one of three substances—mica, sulphurets of copper, or gold. The weight assured him that it was not mica. Could it be sulphuret of copper? He remembered that that mineral is brittle, and that gold is malleable, and as this thought passed through his mind, he turned about, placed the specimen upon a flat stone, and proceeded to test it by striking it with another. The substance did not crack or flake off; it simply bent under the blows. This, then, was gold, and in this manner was the first gold found in California.

If we were writing a sensation tale, instead of a sobre history, we might proceed to relate how Marshall sank, pale and breathless upon a neighboring rock, and how, as he eyed the glittering metal in his hand, a vision rose before him of the mighty results of his discovery. But in fact nothing of the kind occurred. The discoverer was not one of the spasmodic and excitable kind, but a plain, shrewd, practical fellow, who realized the importance of the discovery—though doubtless not to its full extent, since no one did that then—and proceeded with his work as usual, after showing the nugget to his men, and indulging in a few conjectures concerning the probable extent of the gold fields. As a matter of course he watched closely from time to time, for further developments, and in the course of a few days had collected several ounces of the precious metal. Although, however, he was satisfied in his own mind that it was gold, there were some who were skeptical, and as he had no means of testing it chemically, he determined to take some down to his partner at the fort, and have the question finally decided. Some four days after the discovery it became necessary for him to go below, for Sutter had failed to send a supply of provisions to the mill, and the men were on short commons. So mounting his horse, and taking some three ounces of gold dust with him, he started. Having always an eye to business, he availed himself of this opportunity to examine the river for a site for a lumber yard, whence the timber cut at the mill could be floated down; and while exploring for this purpose he discovered gold in a ravine in the foothills, and also at the place known afterwards as Mormon island. That night he slept under an oak tree, some eight or ten miles east of the fort, where he arrived about nine o'clock the next morning. Dismounting from his horse, he entered Sutter's private office, and proceeded to enquire into the cause of the delay in sending up the provisions. This matter having been explained, and the teams being in a fair way to load, he asked for a few minutes' private conversation with Colonel Sutter, and the two entered a

little room at the back of the store, reserved as a private office. Then Marshall showed him the gold. He looked at it in astonishment, and, still doubting, asked what it was. His visitor replied that it was gold. 'Impossible!' was the incredulous ejaculation of Sutter. Upon this Marshall asked for some nitric acid, to test it, and a vaquero having been despatched to the gunsmith's for that purpose, Sutter enquired whether there was no other way in which it could be tested. He was told that its character might be ascertained by weighing it, and accordingly some silver coin—$3.25, was all the fort could furnish—and a pair of small scales or balances having been obtained, Marshall proceeded to weigh the dust, first in the air, and then in two bowls of water. The experiment resulted as he had foreseen. The dust went down; the coin rose lightly up. Sutter gazed, and his doubts faded, and a subsequent test with the nitric acid, which by this time had arrived, settled the question finally. Then the excitement began to spread. Sutter knew well the value of the discovery, and in a short time, having made hurried arrangements at the fort, he returned with Marshall to Coloma, to see for himself the wonder that had been reported to him.

Here is what purports to be a verbatim relation by Sutter to J. Tyrwhitt Brooks, quite different and in many places contradictory to that given by him to others. One can easily imagine how Sutter himself might change his story in its several narrations according to humor and audience:

I was sitting one afternoon, said the captain, just after my siesta, engaged by-the-by, in writing a letter to a relation of mine at Lucerne, when I was interrupted by Mr Marshall—a gentleman with whom I had frequent business transactions—bursting hurriedly into the room. From the unusual agitation in his manner I imagined that something serious had occurred, and, as we involuntarily do in this part of the world, I at once glanced to see if my rifle was in its proper place. You should know that the mere appearance of Mr Marshall at that moment in the fort was quite enough to surprise me, as he had, but two days before, left the place to make some alterations in a mill for sawing pine planks, which he had just run up for me, some miles higher up the Americanos. When he had recovered himself a little, he told me that however great my surprise might be at his unexpected reappearance, it would be much greater when I heard the intelligence he had come to bring me. 'Intelligence' he added, 'which, if properly profited by, would put both of us in possession of unheard of wealth—millions and millions of dollars, in fact.' I frankly own, when I heard this, that I thought something had touched Marshall's brain, when suddenly all my misgivings were put to an end by his flinging on the table a handful of scales of pure virgin gold. I was fairly thunderstruck, and asked him to explain what all this meant, when he went on to say, that according to my instructions, he had thrown the mill-wheel out of gear, to let the whole body of the water in the dam find a passage through the tail-race, which was previously too narrow for the water to run off in sufficient quantity, whereby the wheel was prevented from efficiently performing its work. By this alteration the narrow channel was considerably enlarged, and a mass of sand and gravel carried off by the force of the torrent. Early in the morning after this took place, he—Mr Marshall—was walking along the left bank of the stream, when he perceived something which he at first took for a piece of opal—a clear, transparent stone, very common here—glittering on one of the spots laid bare by the sudden crumbling away of the bank. He paid no attention to this; but while he was giving directions to the workmen, having observed several similar glittering fragments, his curiosity was so far excited, that he stooped down and picked one of them up. 'Do you

know,' said Marshall to me, 'I positively debated within myself two or three times, whether I should take the trouble to bend my back to pick up one of the pieces, and had decided on not doing so, when, further on, another glittering morsel caught my eye—the largest of the pieces now before you. I condescended to pick it up, and to my astonishment found that it was a thin scale of what appears to be pure gold.' He then gathered some twenty or thirty similar pieces, which on examination convinced him that his suppositions were right. His first impression was that this gold had been lost or buried there by some early Indian tribe—perhaps some of those mysterious inhabitants of the west, of whom we have no account, but who dwelt on this continent centuries ago, and built those cities and temples, the ruins of which are scattered about these solitary wilds. On proceeding, however, to examine the neighboring soil, he discovered that it was more or less auriferous. This at once decided him. He mounted his horse and rode down to me as fast as it would carry him, with the news. At the conclusion of Mr Marshall's account, continued Captain Sutter, and when I had convinced myself, from the specimens he had brought with him, that it was not exaggerated, I felt as much excited as himself. I eagerly enquired if he had shown the gold to the work-people at the mill, and was glad to hear that he had not spoken to a single person about it. We agreed, said the captain, smiling, not to mention the circumstance to anyone, and arranged to set off early the next day for the mill. On our arrival, just before sundown, we poked the sand about in various places, and before long succeeded in collecting between us more than an ounce of gold, mixed up with a good deal of sand. I stayed at Mr Marshall's that night, and the next day we proceeded some little distance up the south fork, and found that gold existed along the whole course; not only in the bed of the main stream, where the water had subsided, but in every little dried-up creek and ravine. Indeed, I think it is more plentiful in these latter places, for I, myself, with nothing more than a small knife, picked out from a dry gorge, a little way up the mountain, a solid lump of gold which weighed nearly an ounce and a half. On our return to the mill, we were astonished by the work-people coming up to us in a body, and showing us small flakes of gold similar to those we had ourselves procured. Marshall tried to laugh the matter off with them, and to persuade them that what they had found was only some shining mineral of trifling value; but one of the Indians, who had worked at the gold mine in the neighborhood of La Paz, in Lower California, cried out 'oro! oro!' We were disappointed enough at this discovery, and supposed that the work-people had been watching our movements, although we thought we had taken every precaution against being observed by them. I heard afterwards that one of them, a sly Kentuckian, had dogged us about, and that, looking on the ground to see if he could discover what we were in search of, had lighted on some flakes of gold himself.

The following is an account taken by Mary P. Winslow, in December 1874, from Mrs Wiemer, who, with her husband, was then in San Francisco seeking relief from the society of Pioneers. The writer speaks of Mrs Wiemer as a fine large woman of some sixty summers, with an intelligent kindly face.

We arrived here November 1846, with a party of fourteen families, across the plains from Missouri. On arriving at Sutter's fort, Sacramento, we found Fremont in need of more men. My husband enlisted before we had got the oxen unyoked, and left me and seven children at the fort in the care of Commissary Currin. We drew our rations like common soldiers for four months. Captain Sutter arranged a room for us in the fort. As soon as Mr Wiemer returned from Santa Clara, where he had been stationed during

the winter, he joined three others and went over the mountains to what is now called Donner lake to fetch over the effects of the Donner family, after that terrible winter of suffering that you have heard about. In June 1847 they loaded all our household plunder for Battle creek, up on the Sacramento, to put up a saw-mill, but they changed their plans and went to Coloma. Captain Sutter and J. W. Marshall were equal partners and were the head of the expedition. After seven days of travel, we arrived at sundown a mile above the town. Next morning Mr Wiemer went out to select a site for the saw-mill, and I, a site for the house. He was to oversee the Indians, be a handy man about, and I was to be cook. We had from fifteen to twenty men employed.

'But you had some help from the Indians, didn't you?' asked the writer. 'Oh no, except to scratch out the pots and sweep out the dirt floors. We soon had a log house, a good log house, and a log heap to cook by.'

They had been working on the mill-race, dam, and mill about six months, when, one morning along the last days of December or the first week of January, 1847–8, after an absence of several days to the fort (that was our San Francisco in those days) Mr Marshall took Mr Wiemer and went down to see what had been done while he was away. The water was entirely shut off and, as they walked along, talking and examining the work, just ahead of them, on a little, rough, muddy rock, lay something looking bright, like gold. They both saw it, but Mr Marshall was the first to stoop to pick it up, and, as he looked at it, doubted its being gold. Our little son Martin was along with them, and Mr Marshall gave it to him to bring up to me. He came in a hurry and said: 'Here, mother, here is something Mr Marshall and pa found, and they want you to put it into salaratus water to see if it will tarnish.' I said, 'This is gold, and I will throw it into my lye kettle, which I had just tried with a feather, and if it is gold, it will be gold when its comes out.' I finished off my soap that day and set it off to cool, and it stayed there till next morning. At the breakfast table one of the work hands raised up his head from eating and said, 'I heard something about gold being discovered, what about it?' Mr Marshall told him to ask Jenny, and I told him it was in my soap kettle. Mr Marshall said it was there if it had not gone back to California. A plank was brought for me to lay my soap onto, and I cut it in chunks, but it was not to be found. At the bottom of the pot was a double handful of potash, which I lifted in my two hands, and there was my gold as bright as it could be. Mr Marshall still contended it was not gold, but whether he was afraid his men would leave him or he really thought so I don't know. Mr Wiemer remarked that it looked like gold, weighed heavy and would do to make money out of. The men promised not to leave till the mill was finished. Not being sure it was gold, Mr Wiemer urged Mr Marshall to go to the fort and have it tested. He did so, and George McKinstry, an assayer, pronounced it gold. Captain Sutter came right up with Mr Marshall and called all the Indians together, and agreed with them to certain boundaries that they claimed, and on the right of discovery demanded thirty per cent of all gold taken out. They in payment were to give the Indians a certain number of handkerchiefs, pocket-knives, looking-glasses, shirts, beads, and other trinkets.

'Mrs Weimer will you be kind enough to tell me how you came in possession of this piece of gold.'

'Yes; it was just this way; one day Mr Marshall was packing up to go away. He had gathered together a good deal of dust on the thirty per cent business, and had it buried under the floor. In overhauling his traps, he said to me in the presence of Elisha Packwood, 'Jenny, I will give you this piece of gold. I always intended to have a ring made from it for my mother, but I will give it to you.' I took it and have had it in my possession from that day to this. 'You have not the exact date of the discovery of gold?' 'No, but it was somewhere about the holidays, for I know that Captain Sutter had sent up to me a dozen bottles of brandy, six for the men

and six for me.' The piece of gold I must describe. Its value is between four and five dollars. It looks like a piece of spruce gum just out of the mouth of a school-girl, except the color. It is rather flat, full of indentations, just as the teeth make in a piece of nice gum. There are one or two rough points on the edge, which, with a little stretch of the imagination, gives the appearance of a man's head with a helmet on; then, turn it another way, and, as Mrs Wiemer said, 'it looks like some kind of varmint or other.' It can easily be identified by any one who has ever seen it before. Other accounts of secondary importance are given by Barstow, Sherman, Mason, Bidwell, the *Annals of San Francisco*, the *Representative Men of the Pacific*, Tuthill, Hittell, Dunbar, Woods, and a multitude of newspaper writers.

Going back to Bigler's diary I find it of interest to follow him for a few days after the discovery.

The men hastened the work at the mill, so as to keep by their promise with Sutter, and be sooner able to dig for gold; and though some spoke of throwing up their employment, yet the fear that the mines were not rich deterred them. On Sundays, however, they went into the tail-race, and scratching about with their butcher knives frequently obtained from three to eight dollars. The first gold discovery beyond the limits of the Coloma saw-mill was on Sunday, the 6th of February. Early that morning Bigler said he would cross the stream and try the bare rocks facing the saw-mill; Barger said he would go with him, and the two started, taking only their knives. Up to this time none of the mill hands knew the simple process of washing, nor had they ever seen rockers; the way they gathered the gold was to pick it up grain by grain as it lay on the rocks, or with their knives dig it out from the crevices and holes. On this Sunday Bigler secured ten dollars. For determining the value of gold-dust, he made a light pair of wooden scales; and by balancing twelve and a half cents in silver with gold-dust, he formed a ratio of one bit to two dollars, twenty-five cents to four dollars, and so on. Bigler seems to have been the only one who was seriously affected by the news of the gold discovery. Not content to wait till the next Sunday, he on Saturday afternoon threw down his pick, for he with Brown and others were digging at the race, and

broke out, "I say, Brown, let us have your gun, I want to shoot some ducks." Brown told him to take it, and Bigler left them. As he walked along the river banks he kept thinking of gold; and when about half a mile below the mill he fancied that on the opposite side of the stream the rocks looked similar to the one whereon he had found gold the previous Sunday. They were bare, and it also seemed that there had formerly been a slide; so taking off his clothes he waded over, and found the ground glistening with golden dust. The next day was rainy, so the men remained within doors; but Bigler, without saying a word to any one, started down the river, crossed over to the same rocks, and obtained eight dollars. On the following Sunday, still keeping his own counsel, he went to the same spot and picked up a little over an ounce and a half. All through the next week he worked steadily at the mill; "but about this gold, if there was anything in it," he asked himself, "should not the brethren elsewhere know of it?" So he wrote of it to Jesse Martin, Israel Evans, and Ephraim Green, three of his former messmates in the Mormon battalion, then at the flouring-mill, but asked them not to mention it to any one, unless to those in whom they could trust. On Tuesday, the 22d of February, a fall of snow stopped work, and while the men were at breakfast Marshall walked into the cabin and said, "Boys, it is going to be slippery to-day," pointing to the upper story of the saw-mill, which had to be raised, "and rather bad about putting up the frame; you may work if you see fit, or let it alone." The men were glad to take a holiday, and each one had an excuse. Alick Stevens declared he wanted to mend his trousers; Brown thought he would prepare a dish of peas; and Bigler, who was present, said to Brown, "If you will let me have your gun, I will go and shoot deer." "Take it," was the reply. Bigler started, and climbing a hillock a little to the west of the mill, looked about as hunters do before choosing

their course. His eye glancing down the river fell upon the rocks where he had twice found gold. He hesitated for a moment, then turned to the right, made for the river, and was soon opposite his favorite place. The late rains had swollen the stream, and the water was very cold. This did not deter him, for undressing and carrying his gun and clothes, he waded over; but when he reached the opposite bank he was so benumbed that he could not work. He tried to light a fire, but his fingers refused to hold the flint and steel. He then tried to catch fire from his gun, a cap-lock, but while in the water the charge had got wet. The only way left was to run and jump; and the most exasperating part of it was that right before him, staring him in the face, was what he sought, and for which he had braved the danger of deadly cramps, but which now he was powerless to grasp. Snow had fallen; the day was cloudy, and the mists heavy. On the bare rock the snow soon melted; in the crevices and deep places it remained. As soon as he became a little warm, Bigler set himself to work, first searching the upper rocks, thence slowly working his way down to the water's edge, where it was so plentiful that he spent the remainder of the day picking it up, grain by grain, from the tiniest speck to the lump worth over five dollars. As he dug out the gold, he put it in his cap. The labor was so engrossing that night came on before he was aware of it. As he arose, and tried to straighten himself, he cried out with pain. He thought his back was broken; and without recrossing the river, he made his way along the bank, until when opposite the dam, he called for Brown to bring over the raft.

Meanwhile the suspicions of his comrades had been aroused, and no sooner had he reached the cabin than they began to question him. Why had he crossed the river? Or if he wished to hunt on that side why had he not crossed it in the morning? It was no use trying to deceive them further, nor was Bigler in the

humor for it. Drawing the rag in which the gold was wrapped from his pocket—"No," exclaims the narrator parenthetically "not that exactly either; I will tell the truth Mr Bancroft; I had tied it up for safe-keeping in the corner of my shirt,"—he showed it to his friends. They took it from him, weighed it, and found that he had gathered a little short of an ounce and a half. There was no further secret digging for Bigler, for on the next Sunday, the 27th of February, five others determined to accompany him; and they spent the day, lying prostrate with their faces to the ground, scratching and hunting for the precious particles.

That night arrived from below three of the Mormon boys, Fiefield, Sidney Willis, and Wilford Hudson, with their guns and blankets on their backs. It appears the secret written to Martin, Green, and Evans, was told, for easier keeping, to other three, who finding it heavy, started at once for the saw-mill, saying to their companions that they were going on a visit, and for a few days' shooting. Marshall happened to be in the house when they arrived, and instead of being offended at Bigler's faithlessness, talked good humoredly about their prospects till a late hour, and gave Hudson permission to dig in the tail-race. Therefore early next morning the three went thither, and not long after Hudson picked up a lump worth about six dollars. On Thursday, the 2d of March, the Mormons took their departure for the flouring-mill, Willis and Hudson following the river to look for gold, and Fiefield, accompanied by Bigler, going by the road.

All four met at the flouring-mill. All the way down the river, though passing over some of the richest deposits, Willis and Hudson gathered only fifty cents; and so disgusted were they that they refused to have anything more to do with the business, though urged by their friends, who volunteered to go back with them. Bigler, however, returned to

Coloma, where nothing of note occurred till Sunday, the 11th of March, when Marshall started the saw-mill running. The following week was spent in deepening the fall in the tail-race; but on Sunday all went gold-digging, when Bigler secured two ounces. About this time Bigler took charge of the Indians, teaching them to saw and chop wood. Though anxious enough to learn, they were extremely awkward, and were continually hurting or cutting themselves. He worked in this manner until Friday, the 7th of April, when he, Stevens, and Brown, started for the fort to have a settlement with Sutter, and to tell him that they wished to leave for Salt Lake. On the evening of the next day they arrived at the flouring-mill, and found the place well-nigh deserted. They were told that Willis and Hudson, with others, were up the river getting gold. Bigler stayed over Sunday at the flouring-mill to make arrangements as to what they should buy of Sutter for their intended journey. Those present agreed to send in advance a few men to pioneer a route across the Sierra, the main body to be in readiness to start in the beginning of June, with the exception of eight men who were to leave the following Saturday with an express for the States. Next day Bigler and his friends started for the fort with Browett who was to act as spokesman, but were unable to see Sutter, or buy the seeds, cattle, horses, and two brass cannon they wished. On Tuesday they left the fort for home, intending to turn their attention for the rest of their stay to gold-digging. As they could not make the journey in a day, they encamped for the night at a creek fifteen miles from the flouring-mill, and next morning Bigler, whose mind was running in one direction, began to look for gold; and he and his four companions soon found about ten dollars. As Willis and Hudson were not far away, they determined to look them up and see what success had attended them; so keeping close to the river they soon came across them, at what afterward was called

Mormon island. Five persons, Ira Willis, Jesse B. Martin, Ephraim Green, Israel Evans, together with Hudson and Sidney Willis, were at work, and had, on that day, obtained two hundred and fifty dollars. Bigler here noticed an improvement in mining, for one or two of the Mormons had Indian baskets, and were able in a short time to wash out from twenty-five cents to two dollars.

Bigler arrived at Coloma on the 13th, and from that date he and his friends began mining. It was hard work, for the only tools they had were their knives. He tried to get an Indian basket, but none were available; and so had to use a tray on which he kneeded dough to serve as a washer, while Alick Stevens did good service with his wooden wash-bowl. There was only one tin pan, about the size of an eight quart basin, among all the miners; so they had to carry the dirt in sacks from the dry gulches, a mile below the mill, to the river, some five to six hundred yards distant, and there wash and separate the gold. In less than three weeks after Bigler's arrival at the saw-mill the great rush to the mines took place, and soon the little gulches were thronged with eager gold-seekers, who disputed Marshall's claim to the land, and dug where they pleased. Among the strangers was an old Sonoran who was evidently a miner. He dug a hole and filled it with water. Then he fitted into it a cotton sheet, into which he shovelled dirt, which the water dissolved, leaving the gold sticking to the cloth. Bigler and Brown then tried the same method, but with partial success.

It was at this juncture, the middle of June 1848, that Bigler, and many others of the Mormon battalion, turned their faces toward the new city of the saints. None tell us how hard it was for them to leave the fascinations of the gold-fields for the distant desert, or whether it was hard at all. But it is very certain that there were few in the cañons of the

Sierra foothills who would then have turned their back on Mammon for the service of any other god.

After this the world came flocking in. The region round Marshall's mill soon swarmed with gold-seekers. Two thousand diggers were at work there, with knives, picks, shovels, sticks, tin pans, wooden bowls, willow baskets, and cradles, picking crevices, scraping rocky beds, riddling gravelly sand, and washing dirt for the metal. Shortly after there were some four thousand upon the ground, if we include natives, who were mostly employed by white men. It was then discovered that all about in the vicinity of Marshall's mill gold abounded. Virgin placers were found on Feather river, on Deer creek, on Yuba river. New discoveries followed in quick succession, each adding fuel to the flame. Every gulch and ravine was prospected, and there was scarcely a spot where gold was not, though not always in paying quantities. Finally the fact became apparent that all along the base of the Sierra, on every affluent of the Sacramento and San Joaquin, from one end of the great valley of California to the other, almost every rivulet, gulch, and cañon was rich in gold.

"Some fifty thousand persons," writes one who deals largely in exaggeration, on the 8th of November, 1848: "are drifting up and down the slopes of the great Sierra, of every hue, language, and clime, tumultuous and confused as a flock of wild geese taking wing at the crack of a gun, or autumnal leaves strewn on the atmospheric tide by the breath of the whirlwind. All are in search of gold; and, with eyes diluted to the circle of the moon, rush this way and that as some new discovery, or fictitious tale of success may suggest." Says another in a letter to the New York *Journal of Commerce*, from Monterey under date of August 29, 1848, "At present the people are running over the country and picking it out of the earth here and there, just as a thousand hogs let

loose in a forest would root up ground nuts. Some get eight or ten ounces a day, and the least active one or two. They make most who employ the wild Indians to hunt it for them. There is one man who has sixty Indians in his employ; his profits are a dollar a minute. The wild Indians know nothing of its value, and wonder what the pale faces want to do with it; and they will give an ounce of it for the same weight of coined silver, or a thimbleful of glass beads, or a glass of grog. And white men themselves often give an ounce of it, which is worth at our mint eighteen dollars or more, for a bottle of brandy, a bottle of soda powders, or a plug of tobacco."

Then streams began to form in every quarter; inland streams and ocean currents, social tricklings and oozings from scattered and far distant homes, gathering into rivulets, and expanding into human rivers, increasing in strength and volume as they neared that worshipful gold. Bands of devotees were organized for pilgrimages, in which christendom and pagandom might join alike, in which all the sons of men might join and bow before one common shrine.

In vain we search the annals of mankind for a similar flocking. The nearest akin to it were the Christian crusades made in the ninth century, and subsequently, for the recovery from profane hands of the tomb of Christ—wild fanaticism, folly incredible, yet under providence working out for civilization the grandest results, bringing together antagonistic societies, forcing oppugnant elements to coalesce, and melting and moulding humanity into more useful and comelier forms. But the world was smaller then than now, and although the numbers were large they comprised comparatively few nationalities, and the distance travelled was less. In the nineteenth century there were cosmopolitan crusades for gold wherewith to make rich the finder, and add volume to the world's circulating medium. Was the gold sought in these modern pilgrimages essential to human well-being,

as appeared to be the quasi possession of Christ's sepulchre? The central idea of the Christian crusades was fanaticism; that of the Plutonic crusades was avarice. Which is better or worse, which has done the more for or against human progress, is not here a point of discussion. The question is, whether gold is more valuable than religion, or avarice a nobler passion than fanaticism? Has the world then grown no wiser nor more sober in ten centuries? Yet as in the mediæval crusades great benefits from great evils came, so in the latter-day crusades for gold, good will come of them; but the great good God therefrom designed for man, California has yet to tell.

First those nearest at hand felt the subtle influence. The ox-team of the emigrant turned toward Coloma; the trapper left his peltries, and the ranchero his herds, curious to see what this thing should mean. The excitement was felt by the devoted Mormons, some of whom attempted a small settlement on the Stanislaus, which they called New Hope, and immediately they were reconciled to digging gold as if by general agreement. Sutter was nearly ruined by the discovery. On the instant his laborers deserted him almost to a man, leaving a mill unfinished, and all his property exposed to the depredations of the rabble, which were more serious than those of the natives had ever been. They drove off his cattle, squatted on his land, and then combined and beat him in the courts, when courts were established. Marshall was swept away by the tide.

Immediately following the discovery, most of the provisions for the mines were obtained at Sutter's fort; then traders went to Sonoma for supplies. One would think that these early settlers, with leagues of land and thousands of horses and cattle, and of native laborers, should have reaped a harvest from the gold crop. And so they did, most of them, at first, but so strange and unprecedented was it all to them that they became bewildered; gold poured in upon them

so freely that it seemed as if it would never be wanting again. Between the embarcadero and the fort, "boatmen were shouting and swearing; waggoners were whistling and hallooing, and cracking their whips at their straining horses, as they toiled along with heavily laden wagons to the different stores within the building; groups of horsemen were riding to and fro, and crowds of people were moving about on foot. It was evident the gold mania increased in force as the eagerly longed-for El Dorado was approached. Every store and shed was being crammed with bales of goods, barrels of flour, and a thousand other things for which a demand had suddenly sprung up. The captain's own house was like a hotel crowded with more visitors than it could accommodate."

The incomers could not obtain accommodations within the fort, and were obliged to content themselves with camping outside. "It was not easy to pick our way through the crowds of strange people who were moving backwards and forwards in every direction," says one who was present. "Carts were passing to and fro; groups of Indians squatting on their haunches were chattering together, and displaying to one another the flaring red and yellow handkerchiefs, the scarlet blankets, and muskets of the most worthless Brummagem make, for which they had been exchanging their bits of gold. Inside the stores the bustle and noise were even greater. Some half a dozen sharp-visaged Yankees, in straw hats and loose frocks, were driving hard bargains for dollars with the crowd of customers who were continually pouring in to barter a portion of their stock of gold for coffee and tobacco, breadstuff, brandy, and bowie-knives. Of spades and mattocks there were none to be had. In one corner, at a railed-off desk, a quick-eyed old man was busily engaged with weights and scales, setting his own value on the lumps of golden ore or the bags of dust which were being handed over to him, and in exchange for which he told out the estimated quantity

of dollars. These dollars quickly returned to the original deposit, in payment for goods bought at the other end of the store."

Owing to the scarcity of coin, gold-dust did not bring over two thirds of its real value. On the fourth of June, Mormon island and its approaches presented scenes of the greatest excitement. A numerous caravan was moving along toward the no longer ridiculed El Dorado.

In July, Colonel Mason, then military governor of California, visited Coloma, and found Marshall living near the mill, while there were many persons at work on the river above and below him. Crossing over to a stream, since known as Weber creek, three or four miles below the mill, he found at work one Suñol, with about thirty employed natives, who received their pay in merchandise. Eight miles above was a large number of whites and Indians, some working in the river bed, and others in the small valleys. These latter were exceedingly rich, two ounces being considered the average yield for a day's work. In a small gutter, not more than a hundred yards long by four feet wide and two or three feet deep, two men had shortly before obtained $17,000 worth of gold. Another small ravine had yielded $12,000, and on every side there were hundreds of such.

The poor natives gathered round to pick up a few crumbs of civilization, and with a new money buy new comforts to supply new wants. Gold-dust by the bushel had been within their reach for ages; but without the conventional value placed upon it by the cunning of progress, it was of no use to them. Now, deprived of their natural resources, they herded about the mining camps, being permitted occasionally by the kinder-hearted miners to wash a pan of dirt from their claims, or to sweep the sluice-boxes. Frequently they obtained quite a little quantity of gold on the rivers by scraping the crevices of claims abandoned by the white men. Even in the days of their degeneration,

the men maintained their lordly dignity, and left all the gold-digging to the women. These obtained sometimes two or three dollars a day each, and with the proceeds of their labor they bought food and finery.

One would think that with thousands of acres of valuable land stocked by immense herds, with gardens and orchards and fields of grain, the influx of a vast gold-producing and agricultural population, requiring food and farms, would have made the great grant-holders monarchs of wealth and industry. But such was not the result. The old Mexican-Californians hereupon proved themselves a community of children. No sooner was the discovery of gold announced than hired laborers, mechanics, herders, and retainers dropped their implements, abandoned their trust, and rushed for the mines. No amount of money which the landed proprietor could offer was sufficient to hold them. Thus left defenceless, he was overrun by swarms of adventurers, who drove off his cattle, shot his Indians, and took possession of his ground.

Even the sedate gente de razon caught the infection, and taking with them their servants and retainers, hastened to the mines, and selecting a favorable spot, put their men at work, while they sat in their tents in state, or strutted about from camp to camp, or lounged down among the boulders. The relations of man and master, however, were soon severed in the mines, the one casting off old ties and and affections and setting up for himself, and the other returning home to mourn to the end of his days over the rapacity of the Yankees, and his loss of opportunity and loss of property, which, after all, were due for the most part to himself.

The soldiers in the service of the United States were also seized with the gold fever, and abandoning their posts, ran off to the placers. It was almost impossible to retain crews on their ships. The pioneer steamship, *California*, on her first voyage lost all her

crew; and in order to return to Panama had to engage men at enormous wages. Thus, while her commander, engaged by the owners in New York, was receiving $250 per month, the chief engineer and the black cook had $500 each, the firemen $250 each, and the seamen $200 per man. This state of things did not last long. The next steamship of the line anchored under the guns of the United States line-of-battle ship *Ohio*, and her men could not desert.

CHAPTER V.

THE JOURNEY OVERLAND.

I have seen servants upon horses, and princes walking as servants upon the earth.

—*Ecclesiastes.*

CALIFORNIA, in 1848, stood on none of the world's highways. It was an isolated amphitheatre, a valley on which the sun was ever setting, far away from civilization and the homes of the gold-worshippers. On one side were seas of land, on the other seas of water. And the water and the land both were vast and billowy, trackless, and often showing their hostility to man each after its fashion. One or the other of these seas of desolation, or their equivalent in obstacles, must be crossed before the dragon-guarded treasure could be touched.

Now the journey to the mines, occupying as it did weeks or months, and being made by companies or aggregations of men, women, and children, called forth new phases of human conduct, no less than did life at the diggings. Two days out, whether on plain or ocean, and the pilgrim began to feel himself a new being, the chrysalis from which he had emerged being his late environs. The metal of which he was made was as yet scarcely recognizable, but the fire was a-kindling which should quickly determine it. Therefore it is proper to delineate and preserve characteristic sketches of overland and ocean travel to California during the flush times.

And first as to travel overland. The prairie seas were not wholly unknown; even the prairie schooner

had navigated some portions of them. Since Cabeza de Vaca the Spanish castaway, Monchat Ape the learned savage, Lewis and Clarke, Fraser, Thompson, and the others first to traverse different localities, Stephen Long had ascended the southern branch of the Nebraska or Platte river to its source, and an overland trade had sprung up between the United States and Mexico. Ashley had ascended the north branch of the Platte, and had encamped near the head waters of the Colorado.

The year following, 1824, Ashley continued his discoveries through the South pass to Great Salt Lake, built a fort in Utah valley and left there a hundred men. In 1826, a six-pounder cannon was drawn from Missouri 1200 miles through the wilderness, and planted within this fort. In 1827, many heavily laden wagons performed the same journey, penetrating farther westward; among others, Mr Pilcher, who with forty-five men and a hundred horses crossed the Rocky Mountains by the South pass, wintered on the Colorado, and in the year following proceeded to Fort Colville, then recently established by the Hudson's Bay Company. From these and other points in the Great Basin, hundreds of trappers, traders, and emigrants crossed the Sierra at the several passes between San Bernardino and Shasta, and descended into the valley of California.

Smith, Jackson, and Sublette, able and enterprising men, continued the explorations of Ashley, and during the years 1828 and 1829, they traversed the whole region between the Columbia river and the Tulare lakes, and down to the borders of the sea. Smith fell a prey to the savages, it will be remembered, in 1829, after having twice crossed the continent to the Pacific ocean. In 1832 J. O. Pattie, a Missourian fur-hunter, published an account of his rambles through New Mexico, Chihuahua, Sonora, and California. He traversed up and down the Colorado, crossed Sonora to the gulf of California, and thence to the

Pacific. Captain Bonneville of the United States army, while on a furlough in 1832, with a hundred men and more than twenty wagons, achieved in the regions round the Colorado and Columbia many adventures made thrilling and jocose by the facile pen of Irving Captain Wyeth, of Massachusetts, about this time entertained plans similar to those devised by John Jacob Astor in 1809, which were to concentrate the fur-trade of the United States, and establish uninterrupted communication by means of a line of posts between the Atlantic and the Pacific. Wyeth's project was to establish trading posts on the Pacific slope, and send thither manufactured goods, bring back furs and salmon, and also ship furs to China. To this end he made two overland expeditions to the Columbia, planted Fort Hall on Lewis river, north of Great Salt Lake about a hundred miles, and a fishing post on Wappatoo island, near the junction of the Willamette and Columbia rivers, and within a short distance of the coast. Then began emigration to flow into Oregon from the United States, as alone the eastern part of our domain was then called: agriculturists and religious teachers, founded little colonies in the valley of the Willamette, and in the regions of Walla Walla and Spokane methodists and presbyterians opened schools, and jesuits from Saint Louis, notable among whom were fathers De Smet, Mengarini, and Point, attempted the conversion of the natives. In 1839, at Walla Walla, was set up the first printing press on the Pacific coast north of Mexico. Meanwhile, notwithstanding the efforts of the Mexican authorities to prevent it, stragglers,—trappers, traders, and emigrants,—percolated through the mountains bounding California on the east, and trespassed on her lands. These intruders would sometimes engage themselves to work for the Californians, or to marry their daughters, and receive grants of land, cattle, and the catholic religion. A party of trappers from Missouri arrived at Fort Yuma in 1827, among which

were some emigrants for California. The glowing stories of the fur-hunters concerning the beauty, fertility, and climate of California, between the years 1825 and 1840, found here and there listeners who determined to make the venture.

After all this comes John C. Frémont calling himself explorer, and pathfinder, which latter truly he was,—finding the paths others had made rather than making them himself.

Three great emigrations, each three years apart, mark the exodus of the people inhabiting the frontier states, and the tide of overland travel westward to the slope of the Pacific. The first was that to Oregon in 1843, some of which on nearing the Pacific turned off and entered California, guided along the Humboldt by the famous mountaineer, Joe Walker. At this time many kept the Oregon trail as far as Fort Hall, or Fort Boise, on Lewis river, before branching off for California.

The second was that to California in 1846, pending hostilities between the United States and Mexico. These adventurers were assured that California was a most delightful country, one every way desirable to settle in; that it was thinly peopled, and except along the seaboard almost unoccupied; and that now the nation was roused to arms, engaged in a hand to hand conflict with a weaker power, which would probably result in the acquisition of all that territory by the stronger; or at all events the United States could protect citizens settled on the Mexican frontier, if not, finally, they could protect themselves. This spirit and this emigration were encouraged, both by the government and by popular feeling. The result proved as had been anticipated; scarcely had the emigrants of 1846 arrived in the valley of California, when the whole magnificent domain fell a prize into the lap of the United States, and these hardy hunters, ox-drivers, and land-tillers, found themselves upon

the spot just in time to reap a rich harvest. It was in this year, and the year previous, that the Mormons, having been previously expelled from Nauvoo, Illinois, made their way out of the accursed land, and found an encampment at Council Bluff on the Missouri river, which was the rendezvous, or place of preparation for a further westward journey, a journey which should place the Rocky Mountains a barrier between them and the hated gentiles.

The third great overland emigration was in the spring and summer of 1849, when Gold! was the watchword along the line, and Ho for the diggings! was painted on the canvas wagon-covers; when avarice warmed the heart, and fired the brain, and steeled the sinews; when in the dreams of the ox-drivers wagon loads of yellow nuggets rolled out of rocky cañons into pastures green as Arcadian vales, wherein the cattle might graze, and drink from the Pactolean streams that watered it.

It was during the middle one of these great migrations that the Donner tragedy occurred. It was in 1846 when a party attempted a new route from Fort Bridger, round the southern end of Great Salt Lake, and through the Truckee pass of the Sierra Nevada. The company was composed of George Donner, wife, and five children; Jacob Donner, wife, and seven children; J. F. Reed, wife, and four children; W. H. Eddy, Breen, Pike, Foster, and others, with women and children; in all about eighty souls.

The journey across the plains under favorable conditions was by no means an unpleasant one. Though somewhat monotonous, it was capable of being made both healthful and pleasurable. Many a one who, reduced by disease, had set out upon this journey with little hope of ever reaching the end, arrived in California well and strong, like a man newly made; many a one, alas! set out well and strong who met death ere his journey was completed. In company

with others, some bound for Oregon and some for California, the Donner party had a prosperous journey from the Missouri, and passed the great divide in good health and spirits. The longer half of the journey was accomplished; the cattle were in good condition, and provisions abundant; it was yet midsummer, ample time thought they to escape the snows of the frowning Sierra. So, buoyant with anticipations of a speedy and prosperous termination of their travels, they arrived at Fort Bridger, one hundred miles east of Salt Lake, on the 25th of July. It was their intention to have continued in the Oregon trail as far as Fort Hall, or beyond, before turning southward toward California, but they were induced to deviate from the usual route by L. W. Hastings, who assured them that he had found a way shorter and better than the old one, a cut-off it was called, the name referring to the route and not the travellers. Nor did Mr Hastings wilfully misrepresent matters as many charged him with doing, for his route was essentially the same as that taken by the emigration of 1849, and by the overland stage and railway.

A. J. Grayson, the eminent ornithologist of Mexico and California, led a party of pioneers in this emigration. He was accompanied by his young, devoted wife, and out of solicitude for her welfare, or other cause, he escaped two great dangers of the journey as by intuition. In a letter from San Francisco written February 22, 1847, speaking of Hastings and his route which was represented to be better and 250 miles shorter than the old way, Mr Graysen says: "This news created some excitement among the emigrants; some were for going the new route without reflecting, whilst the more prudent were for going by the old trail via Fort Hall. I for one consulted Captain Walker, who happened to be at Fort Bridger and well acquainted with both routes, and also a man whom I could believe; so I took his advice and went by the old trail, together with a respectable portion

of emigrants." Arrived at Fort Hall there appeared another allurement in the shape of a cut-off. "Here we met with a Mr Applegate," continues Mr Graysen, "just from Oregon, who came that far to meet the emigration, and conducted them through a new route which he had discovered over the Cascade mountains to Oregon. This was good news to the emigrants, as it was represented as being a nearer and better route of course. This caused a good many to go to Oregon who were bound for California, as they thought they would reach there before they could California. But the nature of the route led me to believe it a very difficult one, if not impassable for wagons, which I have since learned was the case. This route continues on the California trail nearly to the California mountains, where it takes a northwest direction over two lofty ranges of mountains—the Cascade and the Umpqua."

Resting three days at Fort Bridger, the Donner company turned their faces southward, passed Salt Lake, and on toward the Truckee river. But alas! the farthest way round would have been the shortest way to their destination. Although this route was shorter and better than the other, it was then new, unbeaten, and often these emigrants were compelled to stop a day, or two days, sometimes eight days to explore, to cut away underbrush, to grade a bluff or bridge a marsh. Arriving at the southern end of Salt Lake they fell into the track of a company in advance of them, and so for a time made better progress. But short was their sheen. At a place to which they gave the name Twenty Wells, they spent the night of September 6th. Some of the wells, which vary from six inches to nine feet in diameter, they sounded to a depth of seventy feet and found no bottom. After a hard day's drive, the next evening they encamped in a beautiful meadow covered with luxuriant grass, and where were natural wells like the others. Upon a split stick conspicuously placed

they found a letter from Hastings, who had gone before, saying that between this point and the next water were two days and nights of hard driving; so they rested the next day and refreshed themselves. Cutting grass for the cattle, and laying in a supply of water for the two days' desert, the Great Salt Lake plain they called it, at daylight on the morning of September 9th they broke camp.

It was a dangerous thing to do, to cast themselves, their wives and little ones, their cattle and all their belongings, into an unknown desert where they had been assured that with no mishaps, and by straight and hard driving, there were two days between them and water; but there was now no help for it. The result proved most disastrous. The third day, at noon, Eddy and some others, with their cattle, succeeded in reaching a spring seventy-five miles distant from the last wells, but they were obliged to leave their wagons twenty miles behind. About dark Reed came up, and stated that the rest of the wagons were forty miles behind, and that the fainting cattle were being urged forward to the water by the drivers. Reed and Eddy immediately started back, the latter with a bucket of water, which he carried five miles for a prostrate ox. Reed met his cattle with their drivers ten miles back, and went on to assist the Donners; but Reed's cattle all died before they reached water. It was not until the evening of the 15th that all arrived in camp, having left many of their wagons scattered along the track, and half their animals dead.

Affairs now began to look serious. Some families were completely ruined; dread forebodings began to arise in the minds of all. With the ill-fated desert behind them they could not retreat; before them the way was dark and uncertain. The surviving cattle were exhausted, and the woodwork of the wagons shrank in the dry air until the spokes rattled in the wheels, and the tires seemed ready to fall off. Taking the cows and all loose animals, feeble and dis-

heartened they continued their way, but were soon obliged to bury a portion of their property. That day they encountered an ominous snow-storm, and made but six miles; the next day they passed over some low mountains, and encamped in a well-watered valley. October 1st saw them slowly travelling along down Ogden river.

And now begins a tale whose sickening details blot pages of our annals; a tale before which I would gladly close my eyes and lay down my pen; a tale which calls in question whether indeed there be in man, left to himself, any divine spark, any innate good. More bloody than beasts, more insane than demons, these human castaways in a desert wilderness, surrounded by their wives and children, first shot at by savages as they pass along, fall to fighting among themselves. Some oxen becoming unruly, two teams are entangled, whereupon the drivers swear; then one of them threatens to thrash the owner, and dealing him a heavy blow with the butt end of his whip, receives in return a stab which stretches him dead upon the plain. Reed, who does the killing, though regretfully and in self-defence, is driven from the camp. Thereupon he marches on before the others, dodging the arrows of the savages and giving the company warning of impending attacks, and thus passes over the mountains into California. Continuing their way, an old, worn-out man, whose feet had swollen to bursting, is left behind to die. In vain does my unwilling credulity look for escape; in vain do I seek some excuse for the pitiless act; the doers of the deed themselves tell the story, and say their cattle could not draw him. Hardcoop, from Antwerp, Belgium, sixty years of age, ill and worn out, was the abandoned man, and Eddy, the narrator of the fact, he who refused him conveyance. One Kiesburg, a most loathsome villain, of whom more hereafter, thrust from his wagon the old man, and when besought by his companions to return for him, replied, "I will not.

kill my horses for old Hardcoop." Some offered to go back on foot and bring Hardcoop forward, but the others refused to wait for them.

Daily their cattle lessened in number, some dropping from exhaustion, some being shot or stolen by the natives. In such cases, wagons and property were buried at different points. One of the party, a German, having lost all his oxen, wished the company to stop while he concealed his effects. This the others refused to do; so selecting two men, likewise Germans, he prevailed on them to help him, assuring them that they could easily overtake the train. Three days after the two men came up, and told a story of onslaught by the savages, in which their employer was killed and the property burned. As the dead man had money, no one doubted that the others murdered him for it. Intense selfishness governed the actions of women as well as of men. Eddy, having lost all his property, picked up one of his children, and his wife another, and thus they marched along, until fainting, they begged first of one woman and then of another, a little meat to save their little ones from starvation. They were everywhere refused. Unable to get water, Eddy begged a pint of one who had ten gallons, and was likewise refused. "I will have it, or your life," cried the man, now desperate, and took it accordingly. The Donners had suffered severely with the rest, but up to this time their losses were less than some of the others.

On the 29th of October, they reached the eastern base of the Sierra, which loomed before them high into the heavens, a white wall glistening with frosted pines. Climbing upward as far as they could go, they found the top of Truckee pass five feet under snow. Returning to a cabin near their camp of the preceding night, they rested next day, and on the 31st the whole party again attempted to cross the mountains. They ascended to within three miles of the summit, where they now found ten feet of snow, each moment thick-

ened by the clouds. It was very cold. The wind howled round the crags, and the whirling snow blinded, and every moment threatened to engulf them. They saw how impossible it was to proceed farther, so returning to the cabin, they made preparations to winter there, near what is now called Donner lake.

Soon their horses and cattle were all gone; some butchered and eaten, others strayed and buried in the snow. A little game was with difficulty killed, but not sufficient to satisfy hunger. Starvation stared at them. It was death to go away, and death to remain there; it is easier, however, to die in active endeavor than in passive despair. After three several failures, Eddy and sixteen others, five of whom were women, succeeded in crossing the summit on snow-shoes. This was on the 17th of December. They were now in the heart of the Sierra, faint, having but little food, and almost buried in the soft snow, which continued falling day after day. They had one gun, but not a living thing was to be seen. Some were stricken with snow-blindness, and on the 23d of December, one, Mr Stanton, from Syracuse, New York, fell behind and perished. It was each for himself; they were all now as fiends seven times hardened.

Christmas found them burrowing in the snow, and debating whether to attempt to proceed or to give it up. Eddy and the women determined to go on; the others sullenly refused to move. From the start the allowance had been one ounce of food to each, three times a day; now they had been without any food for two days. One, Patrick Dolan, proposed the casting of lots to determine which should die. Eddy assented; William Foster objected. It was then proposed that two should fight until one was slain; then that they should continue their journey until one should succumb, which last proposition was finally accepted. Then they staggered on three miles farther and encamped. With great difficulty they succeeded in lighting a fire, but during the night it was extin-

guished by the storm. About ten o'clock one Antoine died; three hours after, another, Graves; the next day another, Dolan, the day after, one more, Murphy. Plenty of man-meat now! Two went mad; the rest took turns praying. Tighter the skin cleaved to the fleshless bones, wilder and fiercer grew the sunken eyes, and fixed and more fixed the features of the ghastly faces. Hunger even left them, and they moved about their shrunken carcasses as if just dragged from the grave.

After lying under their blankets in the snow for two days and nights they struck a fire, and all but Eddy, as he says, "cut the flesh from the arms and legs of Patrick Dolan, and roasted and ate it, averting their faces from each other, and weeping." The 29th of December they departed from the Camp of Death, as they called their last halting-place, and went forward. Eddy would probably have died but for half a pound of roasted bear-meat which he accidentally found while fumbling for something in his pouch. It was wrapped in a paper on which was written in pencil, "From your own dear Eleanor." Ah! the boundless devotion of woman. He had left his wife behind, and now she starves herself and little ones to save him. Though he struggled manfully to rescue them he never saw wife or child again. Eddy was at last obliged to succumb, and feed on his fellows or die. He reported that he "experienced no loathing or disgust, but his reason, which he thought was never more unclouded, told him that it was a horrid repast."

Swearing vengeance on Hastings, as others swore vengeance on Jesse Applegate for having decoyed them, as they called it, into his cut-off, they staggered along, leaving on the white snow of the Sierra the crimson tracks of their bloody feet. Of the party were a Mr and Mrs Fosdick. The 4th of January, 1847, Fosdick died, and the body was left about a mile back from where they camped that night.

In the morning, Mrs Fosdick, feeling that she must kiss once more the cold lips of her dead, started back for that purpose. In the words of Mr Thornton, Eddy's narrator, "two individuals accompanied her; and when they arrived at the body, they, notwithstanding the remonstrances, entreaties, and tears of the afflicted widow, cut out the heart and liver, and severed the arms and legs of her departed husband. Mrs Fosdick took up a little bundle she had left, and returned with these two persons to one of the camps, where she saw an emigrant thrust the heart through with a stick, and hold it in the fire to roast. Unable to endure the horrible sight of seeing literally devoured a heart that had fondly and ardently loved her until it had ceased to throb, she turned away, and went to another camp, sick and almost blinded by the spectacle."

On they go, death even too slow for their now ghoulish appetites; and as they reel along, drunk with misfortune and human blood, they solace themselves with thoughts of their next repast. "There is Mrs McCutcheon," says Foster, well-nigh insane, "she's a nuisance, she can't keep up; let us kill her. There is Mary Graves and Mrs Fosdick; they have no children, what do you think of them?" Some oppose, and then the men, so weak that they can scarcely stand, draw their weapons and threaten to fight over it. Next they shoot two tame Indians who had been sent by Sutter with horses to the relief of the party when it was first told him by Reed that they had lost their cattle in the desert, and before anything was known of their later great distress and starvation. The names of those sacrificed were Lewis and Salvador. So faithful were they to Sutter's interests, that a few days before they had refused to abandon the property of their master, even to save their own lives. When Sutter heard of it he was greatly distressed, and turning to the wretches, exclaimed, "You kill and eat all my good Indians!"

Thus they slowly continued their way down the Sierra to the north branch of the American river, when on the 9th of January they came to a ranchería of natives, who were so overcome on beholding the pitiful condition of the strangers that they burst into loud lamentations, the women sobbing in sympathy as they hastily prepared mashed acorns for their relief. Then these natives sent messengers on to the next ranchería, that its people might likewise prepare food and welcome for the afflicted travellers; and so they passed them along from one to another, all that was left of them, until on the 17th of January they reached the house of M. D. Richey, whose kind-hearted daughter on first beholding Mr. Eddy burst into tears without speaking a word.

Of the seventeen who set out from Truckee, eight had perished by the way, and all of these were men. Every woman had come through. The news of their suffering, and the condition of those left behind, spread swiftly among the settlers. Couriers were despatched to Sutter's fort, to Sonoma, to Yerba Buena, and immediate preparations were made for the relief of the sufferers. Men eagerly volunteered to go to their assistance, and money was furnished with lavish hands. Even thus early in her history, as ever afterward, the heart of California was wide open to the cry of distress. Several expeditions at once set out for Mountain camp, as the cabins near Donner lake were called. The first was under Reed, who when driven from the camp for man-slaughter had made his way to California, where he was awaiting the arrival of the party with his wife and children. Sutter and John Sinclair sent out a party under Aquilla Glover. Eddy attempted to return with this party, but was obliged from weakness to give it up. Glover made two expeditions, Reed and McCutcheon two, Foster and Eddy one, besides the expeditions of Starks and others, and of Mr Fellan.

Burying provisions in the snow for their return as

they went along, Glover and his party reached Mountain camp on the evening of February 19th. On every side the snow presented an apparently unbroken level, and the stillness of death was there. They shouted, and the moaning wind answered like voices from another world. Other and louder shouts were raised. Presently, like vermin from their holes, crept forth from the cabin under the snow human forms, skeletons slowly moved by a cold and aching animation. A dull delirium of joy broke forth in low laughs and sobs and tears. "Have you brought anything for me?" one after another asked, the narrator goes on to say: "Many of them had a peculiarly wild expression of the eye; all looked haggard, ghastly, and horrible. The flesh was wasted from their bodies, and the skin seemed to have dried upon their bones. Their voices were weak and sepulchral; and the whole scene conveyed to the mind the idea of that shout having reached another world, awakening the dead from under the snows. Fourteen of their number, principally men, had already died from starvation, and many more were so reduced that it was almost certain they would never rise from the miserable beds upon which they had lain down." The unhappy survivors were, in short, in a condition the most deplorable, and beyond the power of language to describe, or of the imagination to conceive. The annals of human suffering nowhere present a more appalling spectacle than that which blasted the eyes and sickened the hearts of those brave men whose indomitable courage and perseverance in the face of so many dangers, hardships, and privations, snatched some of these miserable survivors from the jaws of death, and who, for having done so much, merit the lasting gratitude and respect of every man who has a heart to feel for human woe, or a hand to afford relief.

"Many of the sufferers had been living for weeks upon bullock hides; and even this sort of food was so nearly exhausted with some, that they were about to

dig up from the snow the bodies of their companions for the purpose of prolonging their wretched lives. Mrs. Reed, who lived in Breen's cabin, had, during a considerable time, supported herself and four children by cracking and boiling again the bones from which Breen's family had carefully scraped all the flesh.

Some of the emigrants had been making preparations for death, and at morning and evening the incense of prayer and thanksgiving ascended from their cheerless and comfortless dwellings. Others there were who thought they might as well curse God as bless him for bringing them to such a pass; and so they did; and they cursed the snow, and the mountains, and in the wildest frenzy deplored their miserable fate. Some poured bitter imprecations upon the world, and everything and everybody in it; and all united in common fears of a common and inevitable death. Many of them had, in a great measure, lost all self-respect. Untold sufferings had broken their spirits, and prostrated everything like a commendable pride. Misfortune had dried up the fountains of the heart; and the dead, whom their weakness made it impossible to carry out, were dragged from their cabins by means of ropes, with an apathy that afforded a faint indication of the extent of the change which a few weeks of dire suffering had produced in hearts that once sympathized with the distressed and mourned the departed. With many of them, all principle, too, had been swept away by this tremendous torrent of accumulated woes. It became necessary to place a guard over the little store of provisions brought to their relief; and they stole and devoured the raw-hide strings from the snow-shoes of those who had come to deliver them. Upon going down into the cabins of this Mountain camp, to the party were presented sights of misery and scenes of horror, the full tale of which will never be told, and never ought to be; sights which, although the emigrants had not yet commenced

eating the dead, were so revolting that they were compelled to withdraw and make a fire where they would not be under the necessity of looking upon the painful spectacle." Some were already too far gone to eat; others died from over-eating.

Glover could take out part of the sufferers only. One of the Donner brothers was so reduced that it was found impossible to remove him. His wife, who was comparatively well, when besought by her husband to accompany the party, firmly refused; and there she remained through horrible lingerings, and died with her husband, a noble example of conjugal fidelity. It was with the utmost difficulty that any of these unfortunates were conveyed over the snow, and to add to their misery, Mr. Glover, when in the extremest necessity, found his buried provisions destroyed by cougars. One of their number, John Denton, when he could proceed no farther, told them to go on and leave him, which was done after building him a fire and leaving him nearly all their food; and there he died.

On the 25th of February, they encountered Reed and his party going in, the meeting between whom and his wife was most affecting. Reed continued his way, as his two children were yet at Mountain camp. He found the survivors in a yet more pitiful plight than when Glover first saw them. After performing several acts of humanity, the relief party "had now, for the first time a little leisure to observe. The mutilated body of a friend, having nearly all the flesh torn away, was seen at the door, the head and face remaining entire. Half consumed limbs were seen concealed in trunks. Bones were scattered about. Human hair of different colors was seen in tufts about the fire-place. The sight was overwhelming, and outraged nature sought relief by one spontaneous outcry of agony, and grief, and tears. The air was rent by the wails of sorrow and distress that ascended at once, and as if by previous concert, from that charnel-

house of death beneath the snow." There were children wallowing in their filth, and moaning for food, that had so lain, undisturbed, for fourteen days.

Jacob Donner was dead. Baptiste had just left the camp of the widow with the leg and thigh of the dead man, "for which he had been sent by George Donner, the brother of the deceased. That was given, but the boy was informed that no more could be given, Jacob Donner's body being the last they had. They had consumed four bodies, and the children were sitting upon a log, with their faces stained with blood, devouring the half-roasted liver and heart of the father, unconscious of the approach of the men, of whom they took not the slightest notice even after they had come up. Mrs Jacob Donner was in a helpless condition, without anything whatever to eat except the body of her husband, and she declared she would die before she would eat of this. Around the fire were hair, bones, skulls, and the fragments of half-consumed limbs."

The relief party under Foster and Eddy was the next to enter. Eddy found his wife and children all dead. "Patrick Breen and his wife seemed not in any degree to realize the extent of their peril, or that they were in peril at all. They were found lying down, sunning themselves, and evincing no concern for the future. They had consumed the two children of Jacob Donner." The wickedest man of all was Kiesburg, the same who so cruelly thrust the old man from his wagon. While there were yet hides enough to sustain life, and a dead bullock uncovered by the melting snow on which the others lived, he took to bed with him one night Foster's little four-year-old boy, and devoured him before morning. "What adds, if possible, to the horrors of this horrible meal is the fact that the child was alive when it was taken to bed, leading to the suspicion that he strangled it, although he denies this charge. This man also devoured Mr Eddy's child before noon the next day, and was

among the first to communicate the fact to him. When asked by the outraged father why he did not eat the hides and bullock, he coolly replied that he preferred human flesh as being more palatable and containing more nutriment."

Fellen and his party, the last to visit the place for purposes of relief, did not reach the camp until the 17th of April. As narrated by Bryant, they found Kiesburg "reclining on the floor of the cabin, smoking his pipe. Near his head a fire was blazing, upon which was a camp-kettle filled with human flesh. His feet were resting upon skulls and dislocated limbs denuded of their flesh. A bucket partly filled with blood was near, and pieces of human flesh, fresh and bloody, were strewn around. The appearance of Kiesburg was haggard and revolting. His beard was of great length; his finger-nails had grown out until they resembled the claws of beasts. He was ragged and filthy, and the expression of his countenance was ferocious. He stated that the Donners were both dead."

Accused of having murdered Mrs Donner for her money, he denied it, until Fellen put a rope round his neck and threatened to hang him, when he produced some of the valuables of the Donners, and five hundred dollars in money. Fellen, in his journal, under date of April 20th, says of Kiesburg, the last of the emigrants to leave this place of abomination, "they hurried him away, but before leaving he gathered together the bones, and heaped them all in a box he used for the purpose, blessed them and the cabin, and said, 'I hope God will forgive me for what I have done; I couldn't help it, and I hope I may get to heaven yet. We asked Kiesburg why he did not use the meat of the bullock and horse instead of human flesh. He replied he had not seen them. We then told him we knew better, and asked him why the meat in the chair had not been consumed. He said, 'O, its too dry eating; the liver and lights are

a great deal better, and the brains make good soup." When accused of the murder of Mrs Donner, he said that Mrs Donner, in attempting to cross from one cabin to another, had "missed the trail, and slept out one night; that she came to his camp the next night very much fatigued; he made her a cup of coffee, placed her in bed, and rolled her well in the blankets, but the next morning found her dead. He ate her body, and found her flesh the best he had ever tasted. He further stated that he obtained from her body at least four pounds of fat."

At the close of a general summary of the affair, the *California Star* of the 10th of April 1847, says: "After the first few deaths, but the one all-absorbing thought of individual self-preservation prevailed. The fountains of natural affection were all dried up. The chords that once vibrated with connubial, parental, and filial affection were rent asunder, and each seemed resolved, without regard to the fate of others, to escape the impending calamity. Even the wild hostile mountain Indians, who once visited their camps, pitied them; and instead of pursuing the natural impulse of their hostile feeling to the whites and destroying them as they could easily have done, divided their own scanty supply of food with them. So changed had the emigrants become, that when the party sent out arrived with food, some of them cast it aside, and seemed to prefer the putrid human flesh that still remained."

On his return to the east, General Kearney passed by the scene of these tragical occurrences, and halted there on the 22d of June, 1847. He ordered the remains collected and buried in one of the cabins; some of the bodies presented a mummy-like appearance, the flesh having remained undecayed in the dry atmosphere. Fire was then set to the cabin, and so was consumed as far as possible every trace of the melancholy occurrence. Of the eighty persons originally composing the party, thirty-six perished, of whom

but eight were females, while twenty-four females and twenty males survived.

Revolting as are these revelations, the half has not been told. Of the dark deeds committed in this sepulchral Sierra, under cover of night, or in the light of day made blacker than blackest night by the darkness of the deed, comparatively few have ever been told. But enough has been told to show us what men will do when forced by necessity. These Donners were cultivated, wealthy people; they behaved better in some respects than the others, and yet they did not wholly forbear to eat of each other.

During the immigration of 1849, and before that time, there were many parties who underwent much suffering; some similar to those experienced by the Donner party, yet there was no instance which as a whole equalled those horrors in magnitude and intensity. Toward this western shore had set the world's tide of human life and human passion. So great was the movement of 1849 that I might say there was almost a continuous line of wagons from the Missouri river to the Sierra Nevada, an almost unbroken line of light from the camp-fires at night; hence it was safe enough for single wagons, or horsemen, or foot passengers even, to join the throng. And many of these individual adventurers there were. But man likes company, especially when there is toil and uncertainty before him; and so at the east overland societies were organized and officered bound for the mines, the object being that by a community of labor or capital mutual comfort and safety might be increased.

The idea of association was to divide the venture, or to unite the benefits of money and labor, or for mutual aid, or protection, or to assure attention in case of sickness, or for all these combined. One desires to go to California who has not the means, so he drives across the plains the team of one who

requires a driver. Hundreds of associations were formed on various plans, some to go out by water and some by land. Usually they were composed of from ten to fifty persons, though I have known companies of 100, and one of 150 men. Each member contributed so much capital either in money or its equivalent, which was expended before starting in provisions, clothing, utensils, medicines, or whatever in the opinions of the officers would yield the largest profit, or tend most to the amelioration of the condition of the members. In Augusta, Maine, a society was formed of thirty persons, each contributing $500, which capital was employed in the purchase of a ship of 200 tons, and freighting it with wooden houses, machines for washing and separating gold, a mill, and merchandise, of which a portion was to be sold in San Francisco, and part to be used by the members of the association in mining and milling operations of their own. Another similar copartnership was organized at Utica, New York, with a capital of $30,000; and many others. The ships were to be sold or abandoned at San Francisco, and seamen eagerly shipped to be discharged there.

But these associations were mostly failures. They were too cumbersome, the men too inexperienced, too little acquainted with the country and with what they proposed to do, knowing neither each other nor themselves. The inefficient members cramped the energies of those who might succeed alone; cumbersome associations cannot move with the promptness and celerity of individuals; they are unable to act individually, to seize occasions, and the best men belonging to them are usually most rejoiced to be free from them.

Codes were sometimes adopted and by-laws signed; but from inexperience, and the festerings arising from new and strange abrasures, overland parties frequently broke into helter-skelter scrambles before the journey was half completed. Frequently the means

necessary for the journey, either by land or water, would be furnished by one in consideration of a promise from the other to perform a certain amount of labor, or to divide the profits. But so entirely then was California beyond the reach of law, or even light, or restraint, that a man must be impregnated with honesty and conscience in a remarkable degree long to be mindful of obligations entered into with those who are never to know if he keeps them.

No sooner was a family, for instance, fairly started overland, than the master was as much in the hands of the man as the man was in those of the master; and often an emigrant was obliged to submit to insult and wrong heaped upon him by some base-minded churl to whom he was doing charity All the employer could do in such cases was to turn the man adrift, but this was impracticable in the middle of the plains with teams and stock to be attended to. Moreover, such action might be exactly what the fellow would like, as he could then make his way forward untrammeled, with what his employer would feel obliged to give him, or he could join some other band.

Often when ready to start, the most absurd rumors were rife. Some would say that the Mormons, ready to kill or convert the emigrants, waited and watched for them at the rivers; in romantic regions savages lurked, if so be they should escape the avenging saints; while still farther west, the emissaries of perfidious fur-companies had penetrated to bribe with rum or blankets the unsophisticated red man, and stir him up against intruders upon the game-filled park that God had given him.

Full of fanciful theories, until experience beat practical common-sense into them, some of the doings of the emigrants were most childish. One company a few days after starting was struck with a freak of law-making; and immediately after attempting to put in practice the new regulations, as was often the case,

it all fell in pieces. It appears that an edict had gone forth against dogs; all must die or leave the train. The enraged owners of valuable canines rushed to arms, and prepared to mingle the blood of the slayers with that of the slain. The result was the amendment of the decree and a reëlection of officers.

The ordinary migration was something as follows: From the various points of departure along the then so-called western frontier, companies, families, and individuals set out on foot, on horseback, on mules, in covered wagons—prairie clippers or schooners some called them—drawn by long files of cattle, and filled with flour, bacon, beans, sugar, coffee, tobacco, whisky, cooking and household utensils, and other useful and useless articles, many of which were soon to be thrown away to lighten the load. Extra draft and riding animals to be used as relays, and to take the places of the exhausted, lost, or stolen; and sometimes cows and sheep, were driven, beside or behind the wagon. As the animals thinned in number, oxen and mules, or horses and cows, might be seen yoked together, and horseless cavaliers, thankful of any relief for their blistered feet, did not disdain to mount horned cattle. In the wagons were women, children, and sick persons, though often these were obliged to walk to save the strength of the fainting animals. At the belt of many were carried a large knife, and one or more revolvers; slung to the back a rifle, and from the saddle-horn a lasso hung ready for immediate use. Taking with them their wives and children these gold-worshippers left behind—not starvation and anarchy, but peaceful, happy homes, good government and plenty, abasing their work-worn women, and exposing their nurselings to burning plains and icy mountains, dooming them to disease, perhaps death. Love of adventure prompted some, love of

wealth most of them, and love of lawlessness and crime not a few.

The distance by these routes was about 2,000 miles, though 3,000 miles of trackless wilderness were trod by some of the earlier caravans. Their path lay through vast prairies, over the Rocky range, across the alkaline plains, then up the Sierra Nevada, and down into the garden of California. For weeks and months the emigrants were out of sight of any human habitation; even the homes of the savages that now and then swept down upon them, were unknown and out of view. On reaching the game region, elk, wild turkeys, and an occasional panther were seen, which some would pursue, but with the exception of now and then a wiser hunter who would strike a noble quarry, their incipient skill in the use of fire-arms secured little food. Bands of buffalo and scattering antelope, with the gray wolf, coyote, raven, and other beasts of prey, with nomadic tribes of savage men and women, were the sole occupants of this vast, and sometimes sterile region. At intervals was water, and here and there vegetation. Sometimes grass buried the travellers in its long wavey folds, and again it would be too poor even to feed the fires that annually swept over it.

To cross the mountains during winter was practically impossible; and as news of the gold discovery reached the east too late for the summer of 1848, it was not until about the middle of 1849 that the tide of overland emigration fairly set in. Independence, Missouri, was one of the chief points of departure from the northern states, and Sacramento the goal; or if for southern California, the Santa Fé trail was taken—that old trail, never by any chance passing within shot of the black oak timber that occasionally dotted the horizon or filled the ravines, for the wary old pioneers who had laid it out knew better than that. At this time 30,000 souls and more, each in its glowing ardor, and from its individual history, might

tell a tale more thrilling and more fascinating than any of ancient pilgrimage, trailed over plains and rugged hills of desolation, often with a miserable road, or with no road at all; and exposed to tornadoes fierce enough to demolish a caravan, followed by ravenous wolves and croaking ravens, harrassed by savages, keeping watch by night, and sweating and swearing by day; suffering from scurvy and fever engendered by salt unwholesome food, and from cholera brought up the river from New Orleans, and which clung to them until dissipated by the sharp air of the elevated regions 500 miles distant. Over the boundless prairies they straggled, up in to the rarified air that stifled men and beasts, down into waterless, sandy sinks; across sage brush plains efflorescent with alkali, over salty-white flats caked hard as stone, through blinding dust, and into heaps of sand-like drifted ashy earth where the animals sank to their bellies; resting by cooling springs, or thirsting beside fetid and acrid waters; winding along the banks of sluggish water-courses, fording brackish brooks, swimming ice-cold rivers, exposed now to the unbroken rays of a withering sun, and now to chilliing hail-storms, hurricanes, and suffocating sand-blasts; sometimes miring in mud, sometimes choked in impalpable dust which saturated hair and clothes, filled eyes and nostrils, and made these emigrant trains look like caravans emerging from an ash storm on the plains of Sodom.

But what were these temporal miseries beside the eternal reward that awaited them beyond the Sierra, which, from its eastern slope, so grimly frowned on those who came so far to tamper with its treasures? Blessed faith! though material and transient in its promised joys, it was none the less immortal What though credence be but a *fata morgana*, happiness a phantom, and flattering hope be fed by night on dreams and by day on mirage; what though imaginary shapes take on reality, and thought spends itself in midnight apparitions and fantastic aërial visions, faith and hope

and happiness are none the less real, none the less eternal By day and by night, waking or sleeping, gorgeous pictures toward the west were spread out before these pilgrims—by day, phantasmagoria, aërial plays of fancy as manifested in these terraqueous metamorphoses due to variations from ordinary refractions of luminous rays in their passage through atmospheric strata of different densities, thus pluralizing reflections, bringing objects nearer, transporting them to a distance, lifting them up from below the horizon, investing and deforming them—by night, pictures of the past and the future, the unwelcome present for the moment wrapped in oblivion; pictures of home, of opulence, of merry-makings, and heart-gladdenings.

Here, high above the ocean, between the two great uplifted ranges, where hills and desert flats rise well nigh into the clouds, is the native land of the mirage, distinct in its unreality, magnificent, though built of air and sand. Now it is a lonely valley, bearing in its bosom a glassy lake, girdled with waving groves, and parted by rushing streams; and now the gilded spires of a mighty city pierce the dull, desiccated heavens, massive masonry pillars the firmament, while long drawn shadows cross and re-cross the marble domes and crenelled turrets of a thousand palaces embalmed in pleasant gardens like a Babylon, or gleaming from settings of silver as where the lion of Saint Mark keeps guard over the bride of the Adriatic; at times, again, their own images would loom out distorted in figure or position, like the ghost of Brocken, through the gloomy sultry air palpable with sand. As when, blear-eyed from long contentions with the sand and sun, exhausted by toilsome travel and fainting with thirst, Fancy strips the earth of its pallid covering and fills the rent with the vaulted firmament, sets up images motionless in the air and sends aërial animals of divers sorts in hot chase one after another, inundates sandy plains by the beating of the upshooting sun upon the surface, and places before them

transparent pools and isle-dotted lakes, reflecting cool groves and grassy resting places, only to be borne off by the wind, and cruelly snatched from their grasp on nearer approach; so to the ardent longings of their inflamed brains, fickle fortune, incarnated, becomes a true prophetess, and beckons them on with pleasing illusions to their destruction. Alas! that it should be so; that fortune, fame, and happiness, and life itself, should be so like the mirage to which these foot-sore desert-walkers so often anchored their hopes!

At the beginning of the journey, with fresh cattle, a plentiful store of food, and a road that lay through grassy prairies and well-watered valleys, with bright, cheerful warmth by day and restoring sleep at night, each dropping into place, and all attending to their several duties, driving their teams, seeking water, preparing resting-places for the night, unyoking oxen, picketing horses, unpacking the wagons, pitching tents, gathering wood and cooking the supper, mending broken wagons, telling stories by the camp-fires, watching their grazing cattle, or scouring the adjacent plain for the strayed or such as had been stolen, chasing buffalo, shooting antelope, parleying with the natives—in the first flush of sanguine hope, with expectation bright before them, this sort of life was not so bad. When a caravan camped at night, the men made a circle of their wagons, at once a bulwark and a corral for their cattle. About this they pitched their tents, and surrounded all with a guard of blazing camp-fires, which threw their glare far into the surrounding darkness, and illuminated the groups that cooked or smoked or slept beside them. Golden-winged Eros sometimes dropped in among them, fluttered about the wagons, and a clergyman or squire must be hunted up among the trains to terminate his sad doings by a marriage. Once in a while they killed a buffalo, and then they munched and munched, till marrow, and fat, and fullness made their worn, wan faces to shine in the red fire-light like the satyrs.

The scenery at times is fascinating in its very wildness and sterility, and in the strange and fantastic shapes it often assumes. There are the weird buttes, and a Chimney rock, at once the monument and remnant of an ancient bluff, beaten upon and worn away by the winds and waters of ages, yet lifting still into the face of heaven its long, fixed finger of hope or warning, as you choose to regard it. Scott bluffs spread for miles their sandstone towers and sand-cliffs, grand as the hills of Bashan and the giant cities; but one by one, through the long ages, their wandering, terrible foe, heralded by cloudy column and pillar of fire, girdles their ramparts, and the crash of a Jericho is heard again through the horn-blasts of the tempest, and the roar of the beleaguering elements. Then the grass becomes scarce as the emigrant passes on, and in many places is all consumed, and new and untrodden routes must be sought, and cattle begin to faint for food, and women and children to sicken and die, and men, ill-fed and poorly clad, keeping the saddle from daylight till dark, and exposed to alternate blasts of heat and cold, begin to fail. Wagons must be lightened of their load or emptied. Meanwhile the poor dumb brutes thus slowly dying, sacrificed to their owners' greed, gasping, and insensible to the goad, open-mouthed, with lolling tongue and slobbering jaws and dull sunken eyes, drag along their two or twenty miles a day, or with limbs swollen and trembling fall dead from thirst and hunger.

Better their masters, brutes scarcely more reasonable, should thus have died; and so they did, poor fellows, many of them, and mingled their bodies with the carcasses of their beasts. All the way from the valley of the Mississippi westward, long, tortuous tracks were marked by the broken wagons, demolished tents, cast-off clothing, stale provisions, and household effects that lined the roadside; all along the several routes by which these pilgrims marched were scattered bones, and the rotting carcasses of cattle intermingled

with the ill-covered graves of men and women, ghastly skeletons of golden hopes. Some were overtaken by the snow, and losing their way, perished; some were shot by savages; some fell by disease. In the words of a pilgrim, "the last part of the emigration resembled the rout of an army, with its distressed multitudes of helpless sufferers, rather than the voluntary movement of a free people." On reaching the Truckee, their weary spirits grew buoyant again; for now the trail was good, water and grass abundant, and the first tall trees which they had seen for eight hundred miles, appear. So on the survivors come, sometimes worn out by famine and fatigue, over sterile hills and scorching Saharas, through the valleys of death and from the plains of desolation, heedless if not heartless, up by the pathway through the cloven granite, through the mountain pass, then zig-zag down the steep slopes, and beneath the shadowy pines of the Sierra, emptying all that is left of them and their belongings into the valley of the Sacramento, or into the garden of Los Angeles, ready after their toilsome march to reap and riot with the best of them.

Fortunate indeed are they if their last flour be not cooked, and the last morsel of rancid bacon be not devoured, before reaching their journey's end. Once among the settlers, however, and they are sure of the means of appeasing their hunger; for there yet remains something of that substantial hospitality which the poorest western emigrant would think it shame to refuse another.

Now they may revel in the realms of golden dreams. Here, indeed, is the promised land; and these dirt-colored, skin-cracked, blinded, and footsore travellers, whose stomach linings are worn and wasted from carrying foul food and fetid water—let them enjoy it. Stripping off their ragged and gritty clothes, the newly-arrived may bathe in the inviting streams, drinking in the cool, refreshing water at every pore; they may put on fresh apparel, and fill themselves

with good bread and beef; then mounting their horses, they may wade them through tracts of wild oats that top both horse and rider, and they may tread down the yellow bloom of countless autumnal flowers. They may see herds of antelopes passing along the plain like wind-waves over the grass, and droves of wild horses tossing their heads in the air as their broad nostrils catch the taint of the intruders, and great, antlered elk, some as big as Mexican mules, grazing about the groves and under the scattered trees. Now they may rest, and now the more fortunate may hope to enjoy the luxury of house, and bed with clean sheets and soft pillows. Yet at first, to him who has long slept in the open air, these are no luxuries. Often those accustomed to every comfort at home, neat and fastidious in all their tastes, on resuming their former mode of living after sleeping a few months in the open air, have been obliged to leave a comfortable bed and spread their blankets under the trees if they would have sleep. The house and its trappings stifle them. So hates the savage civilization.

The relative dangers of the overland and ocean journeys have sometimes been discussed. I should say that in danger, and in the romance which danger brings, the journey across the plains eclipsed the steamer voyage, in which there was more vexation of spirit than actual peril. Even the long and stormy passage of Cape Horn had fewer terrors than the belated passage of the snowy Sierra. The traveller who takes ship for a far-off land incurs risk, it is true; but if he reaches his destination at all, it is without effort on his part. He throws himself upon the mercy of the elements, and once having done this he can do no more. But there is much that is strengthening, ennobling, in the battlings and uncertainties of overland travel. I have, indeed, often thought that man is never more ingloriously placed, that his pettiness and feebleness are never more ignobly patent,

than when he is brought face to face with nature upon the ocean. See him as he scans the horizon with anxious and fearful eye, watching for an enemy which he knows is his master; mark him, when that enemy appears, cringing and shrinking from the shock of battle, his ship tossing helplessly with folded and bedraggled wings, as if seeking to become so small and insignificant that the storm will sweep over her bowed head in contemptuous pity.

But what a different aspect man presents when braving and contending with perils such as those to which our overland immigrants were exposed. They were not so much at the mercy of capricious elements, to drive them hundreds of miles out of their course or retard their journey for months. Upon their own strength, courage, and endurance they relied. Having determined their route they set their faces westward, and westward by that route they went until their goal was reached, opposing force with force, meeting danger, difficulty, and hardship, without flinching, conquering every foot of the way by their own indomitable will.

Yet, alas! many here fell by the way, as we have seen.

CHAPTER VI.

THE VOYAGE TO CALIFORNIA—NEW YORK TO CHAGRES.

Some set out, like crusaders of old, with a glorious equipment of hope and enthusiasm, and get broken by the way, wanting patience with each other and the world. —*George Eliot.*

EVERYBODY is supposed to know, though everybody does not know, that Phryxos fled from the wrath of his father Athamas, king of Orchomenus, in Bœotia, riding through the air to Colchis upon the ram with the golden fleece, which was the gift of Hermes. The ram was then sacrificed to Zeus, and the fleece given to King Ætes, who hung it upon a sacred oak in the grove of Ares, where it was guarded night and day by an ever-watchful dragon. Pelias, king of Iolcos, in Thessaly, sent Jason his half brother's son, who claimed the sovereignty, with the chief heroes of Greece, in the ship *Argo* to fetch the golden fleece. Jason obtained the fleece, though Pelias had hoped he should have been destroyed. Of the Argonauts there were fifty in number, and among them Hercules, and the singer Orpheus, Castor and Pollux, Zetes and Calais, Mopus, Theseus, and others, the stories concerning whose enterprise, it is thought, grew out of the commercial expeditions of the Munyans to the coasts of the Euxine. Ulysses, returning from the seige of Troy, made a ten year's voyage, being driven about by tempests, during which time he underwent many strange adventures. Other Mediterranean mythological voyages there were, and hypothetical navigations to the near shores and islands of the Atlantic and Indian oceans; following which were

the voyages of the Scandinavians, those fierce Norsemen that were the terror of all the maritime nations of northern Europe, and the first known discoverers of America. Then there were the voyages of the Portuguese round Africa, and of the Spaniards to America; there were the Dutch voyages for conquest, and the English voyages of circumnavigation; there were voyages of discovery, commercial voyages, voyages for purposes of war, science, and religion, for pleasure, profit, and proselyting, but never since the sea was made has there been seen such voyaging as the trip to California during the flush times. And never shall the sea behold such sights again; never shall tempest sport such tangled human freight, nor the soft tropical wind whisper of such confused and desultory cargoes as those which swept the main in ships from every point in search of the new golden fleece.

As compared with contemporaneous trans-Atlantic navigation, the voyage from New York to San Francisco by way of the Isthmus presents entirely distinct features. It was an episode individual and peculiar; a part, and no small part, of the great uprising and exodus of the nations; it was the grand pathway of pilgrims from all parts of the eastern world; it was brimfull of romance and comedy, of unnumbered woes and tragedy, enlivened now and then by a disaster which sent a thrill throughout the civilized world. It was a briny, boisterous idyl, where courage bore along slippery passage-ways, and love lounged upon canopied decks, and sentiment in thin muslin cooed in close cabins, and vice and virtue went hand in hand as friends.

The California voyage occupied twice the time of the trans-Atlantic; the steamers employed in the former were large, standing well out of water, and capable of carrying from 700 to 1,500 passengers, while those of the latter were lower and smaller. In the character of the passengers, those by European

vessels were more homogeneous, more alike one another, each ship carrying a fraternizing cargo whatever the caste, a cargo of nearer kinship in origin and destination, while on the Californian steamers all was babel-tongued discordant conglomeration. In scenery the California trip, as compared to the European, is as kaleidoscope to spy-glass; there are seas that lash themselves into angry foam, seas that race their blue billows along, swirling and shaking their crests in careless wantonness, and seas glassy as mountain lakes, mirroring the luxuriant green of tropical isles and mainland. Within the three weeks allotted to the trip the voyager passes under the influence of the four seasons, is introduced to wonderful lands, and made acquainted with strange peoples. Nature and human nature assumes phases altogether new; unique experiences and wide prospects sharpen the faculties and enlarge ideas. A sort of inspiration follows; the windows of the mind are opened and immensity rushes in, even sea-sickness is an inspiration, or is followed by keener thoughts and an inspiriting frame of mind.

The reasons why there never again can be such sea-voyagings are obvious. This planet has no other California left, no other Pacific coast, no further stretch of gold-besprinkled unoccupied temperate zone. Gold discoveries there may be, and possible uprisings and rushes, but the earth is now belted by railways and telegraphs, and all parts of it worth rushing to, all parts of it possible to seize, pleasant to live in, or profitable to subdue are now occupied and guarded by civilized or semi-civilized nations. There never will be another crusade for the recovery of the holy sepulchre, nor another ten centuries of religious wars, nor another Bartholemew massacre, nor any more old-fashioned voyages of discovery, nor any more California gold-hunter's voyages of adventure. History may repeat itself; so may nature, progressional phenomena, and fundamental social laws, but mon-

strosities, aberrations, and abnormities, never. The early voyage to California, like everything purely Californian, is and ever shall be *sui generis*.

On the 24th of February, 1852, accompanied by my friend Mr Kenny, I set sail from New York in the steamer *George Law* for Habana. There were then two steamship lines in operation between New York and San Francisco—one by way of Nicaragua, and the other by way of Panamá. By the Nicaragua route, passengers were conveyed direct to San Juan del Norte, or Greytown, where they took a small steamboat and were conveyed up the river San Juan and across Lake Nicaragua to Virgin bay, Rivas, or Nicaragua, as the landing was severally called; thence by land to San Juan del Sur, and again by steamer to San Francisco. Two steamers of the Panamá line, sailing one from New York and the other from New Orleans, met at Habana. There the passengers and mails of both were transferred to a third steamer and conveyed to the port of Chagres, where, disembarking, the Chagres river was ascended in small open boats to Gorgona, or Cruces, thence by saddle and pack mules to Panamá, where the Pacific Mail Steamship Company's steamer lay waiting to sail for San Francisco, touching at Acapulco.

As early as 1835 the attention of the president, Andrew Jackson, was called by Henry Clay to the subject of inter-oceanic communication, and Charles Biddle was appointed commissioner to examine the several routes and report thereon. Nothing, however, was then accomplished. In 1847 the vexed question of the boundary line between British Columbia and Oregon having been settled by treaty of the United States with Great Britain, it was deemed desirable, if possible, that some shorter and safer route should be found to the rich valleys of the Northwest Coast, which were then rapidly being settled, than the savage path across the plains, or

the tedious voyage round Cape Horn. With this end in view, on the 3rd of March, 1847, the secretary of the navy was authorized by congress to contract for a mail steamship service from New York via Panamá to Astoria, Oregon, touching on the Atlantic side at Charleston, Savanah, and Habana, and on the Pacific at San Diego, Monterey, and San Francisco. Under this authorization a contract for a monthly service for ten years, at a compensation of $199,000 per annum, was awarded to Arnold Harris, who assigned it to William H. Aspinwall and his associates. Here, then, was the beginning of the Pacific Mail Steamship Company, which, stimulated by the acquisition of California, and the subsequent gold discoveries—both of which events happened within less than three months after its organization—assumed mammoth proportions, and became the largest oceanic transportation company the world has ever seen, having operated some sixty or seventy steamers, sending its monster vessels ploughing the seas every fifteen days half round the globe from New York to Hong Kong, by way of Panamá and San Francisco.

Until the autumn of 1855, the operations of the Pacific Mail Steamship Company were limited to the Pacific, the service on the Atlantic being under the auspices of the United States Mail Steamship Company, which sailed their vessels in connection with the Pacific company. During the year of its organization, which was in the latter part of 1847, three steamers were built and despatched round Cape Horn for San Francisco, via Panamá: first the *California*, then the *Panama*, and lastly the *Oregon*, although the *Panama* being obliged to put back for repairs, the *Oregon* was the first to arrive at her destination. In this naming of their crafts it would seem that California, even then, was the central idea in the minds of these ship-owners, although it is affirmed that authentic news of the discovery of gold had not

reached them when the pioneer vessel, the *California*, went to sea, which was on the 6th of October, 1848. The *Panama* and the *Oregon* followed the *California* at short intervals. In consequence of the gold discovery, and the distraction in maritime affairs growing out of it, the original project of continuing the line to Oregon was abandoned, and San Francisco was made the terminus.

The Pacific Mail Steamship Company was not the first to raise the shrill whistle of steam in these west coast waters. Organized in England in 1840, was a company for the purpose of steam navigation in the Pacific, and two steamers of 700 tons each, the *Peru* and the *Chili*, were sent under the command of William Wheelwright through the strait of Magellan to the port of Talcahuano; but this enterprise failed from improper management. In 1845 a little steam schooner, whose machinery had been put in by Ericsson as a sort of experiment, was sent by R. B. Forbes from Boston round Cape of Good Hope to China, and upon the death of the captain the mate claims to have crossed thence to San Francisco. Then the Hudson's Bay Company had their steamer plying between Puget Sound and Russian America before the *California*, a magnificent wooden side-wheel steamer of 900 tons, entered proudly the Golden Gate.

On the 1st of December, 1848, as our history tells us, the Atlantic company despatched the steamer *Falcon* for Chagres to connect with the *California* from Panamá, northward. The passengers by the *Falcon* were not all of them gold-seekers, as rumors of gold discoveries prior to her departure were so faint as to have created little impression upon the public mind. Arrived at Panamá, however, they found some 1500 eager adventurers close upon their heels, all clamorous for a passage to San Francisco, each ravenous to be in at the rich harvest before the others. All anxiously awaited the arrival of the

California, which made her appearance twenty-five days after the *Falcon's* passengers had reached Panamá, and with 500 of the more highly favored, the first steamship sailed majestically up the coast, entered the bay of San Francisco, and came to anchor between Yerba Buena island and the Cove, on the 28th of February, 1849.

What an awakening was here along these hitherto slumbering shores; steam, gold, and Anglo-American occupation, all in a breath! And let it be borne in mind that neither of these events grew out of the other; each was independent, though all simultaneous --as if this fair land, ripening for untold ages in the womb of time, had with the throes of progress now been born to the sphere, and made ready for the use of civilized man.

Then followed a series of the vilest impositions ever practised upon a travelling public. An opposition line by way of Nicaragua was early established, but this tended rather to increase than to diminish the discomforts of passengers; for the fare was at times reduced so low that it would scarcely pay for the food consumed, to say nothing of compensation for passage. Then combinations would be entered into, and California made to bleed for the shipowner's former losses. Subsequently the Nicaragua company obtained control of the Panamá line on the Atlantic side, and the Nicaragua line was discontinued. This made matters worse than ever; for so powerful had this monopoly now become, that it could safely defy opposition from any source, and these heartless and unscrupulous steamship magnates, called by the much abused Californians the scourges of the ocean, were determined to wring from their traffic the last possible dollar, at whatever cost of comfort, health, property, or even life to those who were obliged to commit themselves into their hands.

The service on the Atlantic at this time would have better befitted the African slave trade than the

carrying of American citizens; the vessels were small, ill-appointed, often unseaworthy, half-manned, without order or discipline, and with little attention to comfort or safety. Exacting the money before the passenger went on board, all they could get out of him, shipowners sometimes performed part, sometimes the whole of their contract, according to circumstances. Indeed captains, seamen, pursers, waiters, stewards, hotel-keepers, boatmen, and railway officials, often appear to regard the wayfarer as an enemy, going from place to place to disturb honest folk like themselves, and whom to answer otherwise than in a contemptuous, surly manner were a disgrace to the profession. A mistake had been committed, the employés of the California steamship companies seemed to say, in not having had the passengers all put in irons before starting. Ear-ringed islanders, tattoed sailors, impudent negroes, and improved Irishmen, upon principle snubbed every one that came in their way, rich or poor, ignorant or learned, as infinitely beneath them. Jammed into a purgatorial hole, there to remain in durance vile until the heaven of California was opened to them, from the beginning to the end of the journey travellers were at the mercy of these vile, unprincipled persons. The rooms were often so close and filthy that occupants dreaded to go to bed at night, and in the morning dreaded to arise and encounter the social and atmospheric impurities of the day. Often the floors of ill-ventilated cabins were strewed with poor women, over whose faces was spread a deadly pallor, the little ones crawling round mothers too weak to move; while in the steerage were sights so sickening as would put to blush the most inhuman land-monster of feudal or any other times. In selling tickets little attention was paid to limitations in numbers by law; ships with a capacity for 500, would crowd in 1500, and often he who paid for a first class passage was thrust into the second cabin, and second cabin-passengers into the steerage. Every

mean artifice conceivable was resorted to for extorting money; when the steamers were not half filled, full fare would be exacted for an empty berth, under threat of separating man and wife, or of assigning it to some unwelcome companion. Ice was the greatest luxury on board; but after receiving $300 or $600 passage money, it was sold to the passenger nominally at twenty-five cents a pound, but the pounds were in reality but a half or quarter of a pound, and many with parched tongues felt they could not afford to pay the price. The voyage was looked forward to with dread, and undertaken with abhorrence. No one, at least at that time, selected this journey as a pleasure trip. It was the one dark spot in many a Californian's experience, remembered to this day as a nightmare. If such prayers be answered,—for curses are but left-handed prayers—then are the steamer potentates of those days roasting in regions hotter than any through which their ships ever sailed, for never since the world was were men so cursed. In justice to carriers and caterers, however, it must be admitted that travellers with their silly questions and frivolous complaints, often severely tax their patience; but this does not warrant curt replies and continued and systematic insults, such as were heaped upon helpless California passengers. Such conduct is cowardly, and in every way contemptible. Travellers will grumble and be unreasonable; carriers and hotel-keepers must expect this. It must be admitted, moreover, that as a rule those complain most, who, as a right, should expect least. He who has the fewest comforts at home finds the most fault with the discomforts of travel. In such cases the lowest class usually make the loudest noise with their cries of hardship and imposition. To-day, quiet, well-behaved passengers are almost always treated well, no matter how ill-organized and appointed the conveyance may be. There are standard maxims of travel, however, which it would be well to remember. Would you have

comfort in travelling, then submit with resignation to all ordinary impositions. Resign yourself at the outset to the carrier as his victim, as the arbiter, for the time, of your fate. Do not expect land luxuries at sea; man is a terrestrial and not an aqueous animal. Not the least in the catalogue of annoyances, fretfulness, and complainings, the passengers bring upon themselves. Go into the hot, fetid air of the second cabin and steerage, then be ashamed to nurse your discomforts in your upper room. The smell of oil from the machinery, and filth from various quarters is nauseating, it is true; but I have suffered more from the disgusting behavior of passengers than from filthy ships and discourteous employés. Nor do I mean to say that Californians are especially bad travellers; as a rule they were, even in early times, orderly, quiet, and well-behaved; and when time had tempered their spirits, hilarity and good humor prevailed. Otherwise how should 1500 men, women, and children have been able to exist, crowded into close quarters for nearly a month, and much of the time under a tropical sun?

Every sensible man then setting out for California well knew that he should have to rough it; or, if he did not know it at the start he soon found it out, and he soon saw that he might as well begin to make the best of discomforts on ship board as any where else. Those so thinking yielded gracefully to what they saw was inevitable, and found that after all happiness does not depend so much on having things a little better than our neighbor, and that a little comfort, with a heart disposed to be contented, carries with it much happiness. Besides, all were certain of fortune, or at least felicity, the moment they reached San Francisco; and so, in place of brooding over present privations, they rather dreamed of future plenty.

There were notable exceptions to these systematic impositions, even on the Atlantic side; while on the Pacific, the rule was reversed. I have often been told

by officers of the Pacific company that no one regretted, or more heartily condemned, the policy of the Atlantic company than their managers. From the first the service on the Pacific was in marked contrast to that upon the Atlantic; but not until the autumn of 1865 were the managers of the Pacific Mail Steamship Company able to rid themselves of that influence which rested so long like an incubus on the line. At this time the control of the entire line passed into their hands, when the same courtesies and comforts were extended to travellers on the Atlantic as had hitherto been customary on the Pacific. The Pacific company had frequently overcrowded their steamers, but this sometimes was an act of charity rather than cruelty; as, for example, when the *California* reached Panamá on her first voyage, the cholera was raging there; and this, together with the often ill-advised anxiety to reach the land of gold, had in many instances drawn the last dollar from the pockets of those congregated on the Isthmus; so that the steamer, which had accommodations for only 120 passengers, sailed with four times that number. As high as $1,200 was paid on this trip for a steerage passage.

Gradually the service became perfected. Larger and yet more magnificent steamers were built from time to time, with promenade decks a sixteenth of a mile in length, and these were well appointed and ably officered. The line rose to the head of the world's marine, and became an honor to the American nation. From this time until the completion of the Pacific railway, it carried more passengers, at fairer rates, and, according to distance, varieties of climate, and numbers, with fewer discomforts than did ever another oceanic line. Four, five, and six thousand people passed and repassed monthly on its vessels, and merchandise was carried which, at from $45 to $75 a ton, aggregated millions of dollars freight-money. One reason why the passage on the Pacific can be made more pleasant is that the ships are built higher out of

water, more like floating hotels, more spacious and commodious than those on the rougher Atlantic.

When I reached New York, in February 1852, the rush for California still continued, though in a somewhat modified form. A little regularity was emerging from the original chaos. The steamship office was not now mobbed the night before the advertised day for selling tickets, nor were sailing vessels despatched daily for Chagres, to empty their passengers into that infectious climate, leaving them to complete their journey as best they might. For this, however, the ship owners were not to blame. So wild had been the excitement, so insane were men to get at this newly discovered gold, that thousands would recklessly take passage on any craft to Chagres, and trust their chances to get from Panamá to San Francisco. This they did knowing the berths on all the steamers were engaged for months to come, and that multitudes were waiting passage, both at New York and Panamá; but as it was every man for himself, each was sure that by some means, natural or supernatural, he would manage to get through. Before this, clamorous crowds used to collect in front of the ticket-office previous to the departure of every steamer, and there remain for days and nights, so as to be ready the moment the door was opened. Sailing vessels were taken from the fishing or freighting service, and fitted up with a temporary deck below, the space between which and the upper deck formed a dormitory and saloon. Round the sides of this between-decks were three or four tiers of open berths, and in the centre piles of luggage, passengers' stores, rough, hanging shelves for tables, and boxes and benches for chairs, there being no such thing as caste among the passengers, or cabin, or separate apartments, save the captain's room. And thus, like the boat of Charon, these vessels plied, and ere they landed their prurient

freight on distant shores, fresh crowds awaited fresh departures.

There is always something sad, and much that is solemn, and to an unconcerned eye-witness no little of the grotesque, in the embarkation of passengers for a long voyage. It is next to dying or being married; the future of it is all uncertain. Friends linger over the farewell as though it were the last, as indeed it is to some. Mother and child, sister and brother, husband and wife cling to each other in yet more frantic embrace, as if their heart-strings would snap, and all unconscious thus offer themselves as a spectacle for the amusement of the heartless and indifferent, to say nothing of turning their pockets an easy prey to wicked professionals.

Midst the turmoil of passengers, the jostlings of porters with trunks, baskets, and boxes which they deposit by stateroom doors, the bundles of clothing, mining utensils, perhaps a new gold-washing machine or a forcing-pump scattered about the deck; the rushing hither and thither of seamen making ready for a start, and the general confusion attending embarking, the deck of a steamer an hour before she sails is the best place in the world wherein to study human nature, as indeed is the whole trip. Especially if you are a passenger and alone, with a philosophic turn of mind, you may look upon the polyglot assemblage and noisy medley as in it but not of it. Glancing from one to another you attempt to read the character and purpose of each; involuntarily you find yourself speculating as to their several relations, who goes and who remains, and the relations of one to another.

There is a melancholy young man, married but a week; and there another who pales the mute agony of the first, for he has been married but a day, and their wives do not accompany them. Poor fellows! There is a conscious bride blushing her secret to every

starer, while the young husband beside her tries in vain to appear as if used to it. There is the lean and hungry, most bland and voluble lawyer, with long hooked nose and bald head, with sword cane and concealed deringer; and there the hard headed and hard-hearted politician, who deals in the patriotism of the American people as the pawnbroker deals in the sufferings of the poor. This political huckster, having had in his time a monopoly of certain souls in certain districts, but having meanwhile sold his own soul to Satan many times on one side of the continent, now seeks a new market on the other. There is the little scrawny avaricious old woman, probably the most disgusting, at the same time the most pitiable object on board, going out solitary and alone to wash or nurse or otherwise work and hoard, if peradventure she may scrape together a little gold before she dies. There is a family, father, mother, and daughter, the latter of that silly simpering age which fancies the eyes of all the world to be perpetually resting on herself; there the man of business with two females in charge, bustling about under his load of responsibility; there the sleepy young man, there the lack-a-daisical young woman—sheep among wolves—and there one, ill-mannered and awkward, fresh from clod-breaking and swine-tending, yet whose eyes flash intelligence and whose broad brow and firm lip show fifty years of determined perseverance and self-denial, if so be so much should stand between him and success.

Noah's ark presented no more incongruous gathering. More than thirty different nations are represented on this deck; men and women of almost every land in christendom and many beyond that line, of divers colors and strange speech, the lank smart Yankee, always at home; the tall bony hairy western man, uncultured yet thoughtful, who comes so far east to get a start for a farther west; cattle drivers from the north and negro drivers from the south;

parchment-armed dignitaries fresh from Washington squabble and bribery, and disappointed office-seekers; Texan rangers and placeless Mexico-fighters with occupation gone; pompous, portly Britons; sarcastic, scheming, polite Frenchmen; sagacious, imperturbable Germans; fiery Castilians; omnipresent, silent Jews; negroes, mulattoes, and quadroons,—mixtures of every shade uniting in their vain affectation and pretentious disposition all the evils of their diverse ancestry with few inherited good qualities. And such diversity of costume, and cast of countenance—the Broadway dandy with tight pantaloons; the professional in black broadcloth, high shirt collar, and tall hat; the western hunting-shirt and wild-cat headdress, and the loose butcher's jacket and greasy boots; the boatman's pea-jacket and nor'wester; the Mexican's blanket and sombrero, and all profusely ornamented with pistols, bowie-knives, and rifles slung from belt and shoulder. Here is a man with musket and bayonet, and yonder an apparent attaché of some company organized for fighting for gold, with an alarm trumpet tied to his neck. And in their features you may read of wit and of cloudy brains, of merriment and of gravity, of piety and of blasphemy, of honesty and of speculation. Military officers enliven the scene with their brass-buttoned uniforms, and faces glowing under the influence of the good things of life.

One wonders where they all came from. Evidently some are fresh from the soft endearments of home, fresh from the embrace of mother, sister, or newly made wife, alone in that motley company without the dust of distance yet upon them, whose eyes moisten, and cheeks blanch, and hearts sadden at thoughts of untried waters and lands, which are to separate them from loved ones, perhaps forever; others are as reckless and indifferent to their future as the hardened sinner is of heaven, men who never had a home and care little whether their feet rest on ship or shore, or tread

the soil of America or Australia, so that their dominant passion finds solace. Thus the conglomerate and cosmopolitan character of the passengers give us a foresight of what we may expect on reaching our destination.

As the hour for departure approaches the confusion increases. Loaded carriages drive hastily up to the gang way, discharge their contents, and drive away, The mails come down in heavy wagons and are taken on board. Excited passengers rush hither and thither, knocking against one another, looking after lost baggage, hunting missing friends and searching for their rooms. The wharves and shipping are crowded to see us off. The cries of seamen and porters mingle with the hoarse roar of steam; the gong sounds for visitors to go ashore, hasty "good-byes" and "God bless you" rise from full hearts and fall from quivering lips; the captain mounts the paddle-box, the gang-plank is drawn ashore, orders to "cast off the hawser" and "turn ahead" are given, the ponderous walking-beam moves, the paddle-wheels turn, and promptly at twelve o clock, midst the cheers of the gathered multitude, the waving of hats and handkerchiefs, and the flashing of fun and fancy and sentiment from upturned laughing and liquid faces, the ship creeps from her berth, turns her back upon the land hallowed by all the ties of birth and education, and with her gun booming the last parting, glides down the stream, winds through the forest of shipping, past islands and grassy slopes beaming with happy homes, and shoots out into the ocean toward that future of mystery and trembling expectation which assumes shapes so fantastic in the minds of those on board.

On our way down the bay, tickets were examined in order to detect stowaways; three aspiring but impecunious unfortunates were taken in custody and shoved into the boat with the pilot when he left the

steamer at Sandy Hook. One covered his concealment so completely as to elude the searchers and remained hidden until next day, when, on making his appearance he was set to work in the coal bunkers for his passage. Forgotten adieus and farewell letters were sent back by the pilot, then with Titan arms our ship struck out upon her course through the waves of the Atlantic.

Just as we were going out we met the steamer with returning Californians coming in. Cheer followed cheer in noisy recognition. With what varied emotions the loud greetings were given! On the one side hopeful enthusiasm, and the inspiration of bright prospects, glad to be off and eager to make the venture; on the other, mingled success and failure, some with ruined health, some with ruined hopes, some brim-full of happiness, while all their broad bosoms swelled at the thought of placing foot once more on native soil—all glad to be back, to be out of the wilderness, the wilderness of land and the wilderness of water.

Order rapidly evolved from the confusion; all settled quietly into place. Some sat apart and smoked and thought of those left behind; others grouped and talked of the time to come. While thus abstracted an insidious and subtle influence appeared to settle upon the voyagers. The air, it seemed to me, was impregnated with it, and I could feel it creeping up from the water through the ship's timbers, through the planks on which I trod, and into my feet and bones. I noticed the ship staggered a little in her gait, and the promenaders likewise staggered, and a peculiar expression of smiling discomfort overspread the yellowish-white faces of some. Land and daylight disappeared, and we were alone with darkness and the ocean.

Night shut us in with angry storm-clouds, and closed us round with white-capped waves that curled their raised crests and hissed defiance on the ponder-

ous wheels that beat them into foam, wheels striving with the contending flood, on one side deep in water and on the other vainly grasping at the rushing tide below. The jerkings now and then of the ship betokened a rising sea. Cigars and sentiment were abandoned, for here was the beginning of a long unrest. Neither sighings, nor the quickening heart-beat of hope, neither the memories of loved ones left behind, nor the brilliant aspirations of the future, nor even the solemn thought of thus being brought into the more immediate presence of my maker could prevent the rising within my bosom of sensations foreign to meditation. I tried to appear indifferent; as the evil increased I attempted even to smile, but it was a ghastly business.

As the wind grew boisterous, and the motion of the vessel more palpably uneven, all on board, save the favored few who had neither conscience nor stomach, sought retirement. Some thought to brave down the unbidden rising within by moving briskly about and nibbling a cracker instead of eating supper and going to bed. "You can walk it off," they said, "do not give up to it." I noticed, now and then, that these would suddenly disappear, and when next seen in their determined perambulations, they looked paler and not altogether happy. Some sat down to table and with affected nonchalance and flourish of knife and fork ,and pronounced orders for food, courageously began to eat; but soon a cloud overspread their features, a careworn expression as of some internal trouble, until at last sickness overcoming sensitiveness, one person after another would rise hastily from the table, clasp one hand on his mouth and the other on his waistcoat, dart for the door, make for the guards, and there unbosom his burdened breast to the fishes. Indeed, my own food was as restless within me as was Poseidon in the bowels of his father Cronos.

Few remained on deck that night to witness the

glories of the setting sun; the stars were sought below, the via lactea streamed over the ship's sides, and the study of Neptune's palace under the sea appeared far more fascinating than the study of Orion and the Pleiades.

Sea-sickness is a great leveller. It prostrates pride, purges man of his conceit, makes him humble as a little child; it is specially conducive to repentance and after repentance to resignation. I know of nothing, after the first fear of death has passed away, that makes one so ready to die. A great wave places its back under the ship and lifts you up, up, into the very clouds; then it stands from under and you go down, down, with a tickling sensation within, until you stop your breath waiting for the vessel to strike upon the bottom of the sea. Then comes a mingled pitching and rolling, when the innermost loses cohesion, oscillates, rotates and upheaves, when the foundations of the great deep are broken up within you, when the strong man bows himself as it were a woman grinding at a mill, and the mourners go about the cabin like apocalyptic angels, wailing as they pour their vials out; and by this unrest and the revels of devils within, the image of God is degraded into that of a self-acting hydraulic pump. The mind becomes concerned, the brow overcast; it is like clapping on the head a hope-extinguisher, and squeezing the body at once of every rest and comfort flesh aspires to; as if the inner lining of the man were rolled up and wrung out down to the very dregs of gall and bitterness. Then the body assumes a doubling posture, the spinal column becomes flaccid and limpy, the victim is filled with a desire to sink to the floor or lie prostrate; manhood oozes out at the fingers' ends, and Cæsar becomes like a sick girl.

And all the while those who escape these miseries regard this agony as ludicrous in the extreme. It is a capital joke to see the strong man brought low, to hear him swear and storm at every thing and every

body with impotent fury in the intervals between his retching fits; to see the pale despairing women strewed about the cabin, on carpet, chairs and sofas, attended by the stewardess with her gruel bowls, and fizzing powders, and lemons, and toast and tea; to hear all day the groans and moans and gurgling laments in every quarter, to have the night made hideous by the loud alarms of bowel-wrenchings and belchings that might awaken the seven sleepers; and then to see the tables deserted and the quandary of those who try to determine which is least difficult, to keep in bed, to dress, or to eat—all this is very amusing to those happy souls who pet and plume themselves because they are not subject to such horrible sensations, or compelled to assist at such unpleasing scenes.

This rocking sensation has something strange in it; it affects different persons so differently. Some it drives well-nigh mad, with sensations akin to those of the novice in gambling who loses his last half-dollar at monte, giving its victim, if not death, resignation to it; others it sends off into peaceful and long continued sleep bestowing rest and contentment; others not only are not sea-sick but are made hilarious by it. These latter, as they pass from room to room and see the wan, woe-begotten faces of the vomiters, become extremely satisfied with themselves. "Oh! no, I am never sick," says Jenkins, "I like it, it agrees with me; I really enjoy it, my appetite is never better than when it is a little breezy; only one other beside the captain and myself at the table; roast duck, tough as ox-hide"—and so he rattled his nauseous boasts to the infinite disgust of prostrate listeners.

And as in the sensitive breast there is usually a sense of weakness and shame attending this evil, so it is held by a certain class a cardinal virtue to escape it. Nothing so inspires a man with a good opinion of himself and his internal belongings as to be able to smoke and whistle and carry an undaunted front when the heads of his comrades are horizontally inclined, and their

bosoms heaving with the heaving sea; or when they are seized with a sudden interest in the study of ichthyology, and strain their eyes in untimely peering into the troubled waters. It makes a man glad to see his companions sea-sick; it makes him rejoice in his superiority, to delight in their woe; he laughs that he is better than they. Then the shame of it to the miserables who suffer. Of all who remained cabined and berthed for the two days succeeding our departure, few could be found who had been sea-sick at all. Some had had a headache, others were fatigued and needed rest; some were not hungry, and then it was too much trouble to dress. Of all maladies, the one for which its victims are least to blame, they appear the most ashamed of, while colds and fevers brought on by foolish indiscretions are unblushingly acknowledged.

Many have made sea-voyages who suffered severely at first, but afterward very little; although they could still be seasick in rough weather, they knew better how to take care of themselves. There appears to be no universal remedy for this hateful and hated nausea; some find relief in iced champagne, others in brandy, soda-water, tea, gruel, codfish, or fruit. Much depends upon the state of the system, and no two are to be treated exactly alike. In some individual cases, the secret is to find that place and position where one can be most at rest. Few ever succeed in combating the evil, being always forced to yield vanquished. Hence it is on going to sea, the first thing to do is to arrange one's room and effects so that one may be prepared for it; as a certain nobleman used deliberately to make ready his bed before getting drunk. On this steamer my berth was near the hatchway, and at times the sun poured in upon me the full volume of his rays, which with the motion of the ship, long fasting, and a compound of villainous smells ranker than Falstaff found in Mrs Ford's linen, made me almost wild with fever and suffocation.

Then, with Gonzalo, would I have given a thousand furlongs of sea for an acre of barren ground. I would have given my chance of heaven, to say nothing of California, to have been out of it, anywhere but there. This is why middle-aged and elderly men endure the hardships of a voyage to California better than young men and boys, their physique is more fixed, their minds more evenly balanced, and they know better how to make themselves comfortable. My father informs me that on his passage from Panamà, many young men died of the Isthmus fever, but not a single person over forty years of age was ill with any disease.

The next day the sea was higher, but the morning after it was evidently growing quieter. Following the throes of sickness comes a mental exaltation, giving birth to new thoughts. Never have I felt my brain so active as while lying bracing myself in my berth for days, until my bones ached, and during which time I would be up only long enough to rush to the table for my meals, and rush back again to keep the uneasy food quiet. Thus dull intellects are whetted into keenness by the asperities of the journey, and so made ready to cut their way through the difficulties awaiting them. Moreover, this malady is the best cure in the world for love-sickness, as I have noticed in the pensive youth who had left his inamorata behind, and in solitary young women going to California to be married. Indeed, upon the homœpathic hypothesis that *similia similibus curantur*, this malady is likewise an antidote for bankruptcy, conjugal infidelity, or any ill flesh is heir too. The heart and the stomach cannot both exercise the mastery at the same time. Overwhelmed at the beginning of the voyage with the merciless fate that crucified all fond endearments, and indifferent to terrestrial affairs; as the rising wind grows stronger, and the rolling waves mount higher, slowly the dominator lifts passion from the seat of the affections, and places it just below, where it plays havoc with the organs of supply.

I once knew a strong-minded woman who avowed she could put down sea-sickness by force of her will. "It is a mere fancy," she used to explain, "you feel yourself swaying and rocking, and see others sick, and take it for granted you are going to be sick yourself; and so you are. I'll none of it." Afterward the lady went to sea. Whether at her command the wind and the waves were calm, whether the still small voice within was quiet, she did not say; but never afterward did she so much as intimate that sea-sickness could be brow-beaten.

At last the agony is over. The sea calms somewhat, and after two days of rolling and dissolution, pale, gaunt forms crawl from tumbled berths and disordered rooms and eye each other; staggering about as they first attempt to use their feet, grasping posts, and railings, finally settling down to languid lounging in high-back easy-chairs, and on benches. Thoughts of feeding arise; appetite grows apace, and seats at table fill up. With return of appetite comes some degree of amiability. The whitened faces put on a cheerful look as they multiply on deck, the females manifesting their convalescence by renewed interest in their toilets, and in the dresses of their neighbors. Under these auspices if not harmony, at least general good conduct prevails:

And now the voyage proper begins. Taking your ticket, which indicates room and berth, to the office of the purser, the civil commandant, though not always a civil man, you receive for it a table check, whose number designates your seat for the voyage. Notables and favorites are placed at the captain's table. Women travelling alone in charge of the captain often fare better than when their husbands are with them. Aside from the captain's table, all is managed upon the most democratic principles. The table is usually ill supplied and ill served, though not always. Table tickets are given to prevent a scramble

for place, which, before the seats are allotted, sometimes rises to a downright fight whenever the bell rings. I never saw the Darwinian theory more aptly illustrated than before these table tickets were given out; in a voyage to California, the survival of the fittest was a foregone conclusion. At meal time particularly the animal was let loose; the strong prevailed, and obtained a seat at table, while the weak, or such as did not choose to exercise their strength if they had it, waited, and took what was left.

As the strong man fed, he lapsed into a state of semi-unconsciousness; his manners were unstudied, and his abandon perfect. He could sweep the dishes of their contents, far as the arm could reach, quicker than a prairie fire sweeps the ground of grass. The movements of a starved dog over the cat's saucer of milk were slow as compared with his movements. He appeared wholly unaware of the presence of women and children who likewise were hungry for food, though I have seen females who could fight for their survival with the best of the men. When his hunger was satisfied, he came to himself, gazed wistfully about, picked his teeth with his pocket-knife, and slowly retired.

Steamers for the Californian passenger trade were usually built with three or four decks; they were at this time all side-wheel and carried small masts. Sails were sometimes spread, though little depended upon them in navigating the ship. The larger vessels employed from seventy-five to one hundred men, officers, seamen, and servants. Of all the employés the firemen were the greatest sufferers; working before a hot furnace down in the hold, they were frequently so overcome of heat that they had to be packed in ice to cool them off. On the upper deck, above the ship's hull, was a double row of state-rooms, with ample space between them and the guards for sitting and walking, and for the management of the ship. On this deck, forward, were also the pilot-

house, and the rooms of the captain and first officers. State-rooms had usually three narrow berths, though some had but two, while others had six. The pleasantest rooms were those on the upper deck, though the rooms below were larger, and less exposed in stormy weather. Over this deck, fore and aft, awnings were spread in warm weather, under which passengers spent most of their time. Below the main deck was the dining saloon, used also for flirting and cards when the tables were not set, and in which divine service was held on Sunday. On either side of this saloon was a row of state-rooms. The purser's office was usually on this deck, midships, as also were the second and third officers' rooms, the engineer's room, the barber-shop, bar, butcher's shop, and cook's galley. Below this deck, aft, the port-holes often below the surface of the water, slept the second-class passengers, and on the same floor, forward, the third class, or steerage. Passengers were divided into three classes: first cabin, who enjoyed state-rooms and separate tables, second cabin, whose deck below was badly ventilated, and the floor covered with standing berths, or open sleeping-shelves, having narrow passages between them, and the steerage passengers forward, above and below. The second-cabin passengers had free access to all parts of the ship, the same as those of the first cabin; they took their meals in the saloon of the first cabin, eating before or after the first-cabin passengers. The steerage passengers were confined to the several decks of the forward part of the ship. The steamers all carried a surgeon or a doctor, but he was usually neither competent nor attentive. Notice was posted forbidding the wearing of deadly weapons, and the discharge of fire-arms; nor was any to appear at table without his coat. Notice of latitude and longitude and distance run was given each day. A good run was two hundred and fifty miles in twenty-four hours.

Chickens, turkeys, geese, ducks, sheep, swine, and

cattle were carried on board, and butchered as required. Meals were kept going in the saloon nearly all the time, as when the ship was crowded three or four tables were set for each meal, so that breakfast crowded on luncheon, and luncheon on dinner. On this trip there were nine tables in all, but I have frequently seen the tables all laid twelve times each day. The steerage passengers were treated more like beasts than human beings; to the shipowners they were but so much freight, to be carried at so much a head. Their sufferings, and whether they lived or died, were matters of their own. They were bedded like swine, and fed like swine. Instead of a trough, a broad, board shelf was suspended from the ceiling, which served as a table, greasy and clothless, furnished with tin plates and cups, and pewter spoons, and on which were placed huge pans or kettles of food, stews, beans, and the like. Droves, one after another, were let in through a gate, and after they had fed a while they were driven out by their sooty overseers.

Out of the regions of ice and snow, out of boisterous waves and cold stinging air, we pass Cape Hatteras, and dropping down the Florida coast and across the gulf stream, sail into an unruffled sea, into the soft, southern, aromatic air, down into the seaweeds, and through the haunts of nautilus, and flying fish, which in their attempts to scale the ship often drop upon the deck; down among the ever-green isles where were enacted the initial tragedies of American race-extermination. Spring succeeds winter and summer spring. The polestar pales behind us. The air first softens, then grows languid, and finally pulsates with heat. Flannels and heavy clothing are laid aside; clean calico dresses and summer bonnets take the place of woolen gowns and hoods, and the experienced male travellers sport their white pantaloons, linen coats, and straw hats. Out under a burning sun, and into hot sea-breezes, and from shivering in

furs and overcoats we swelter in garments of thinnest texture. Sea-sick sleepers crawl from their cabins and stretch themselves about the deck. Northern energy with northern frosts are melted out of the man; mind and muscle relax their tension; there is a general letting down of the system, lassitude and ennui steal over the senses; perspiration oozes from every pore and stands in great beads upon the surface, or flows off in rivulets. Clothes are saturated, and respiration lengthens and becomes more difficult. Even reading and card-playing are abandoned as requiring too much exertion. Scandal-making sets in; women of easy virtue grow bold, and pimpish men throw off reserve and flaunt the true colors of their character.

In rough weather passengers are very quiet; it is useless to try to out-rant the ocean, and for this undoubtedly the ship's officers are thankful, often preferring the unevenness of the sea to the ruffled tempers of the hundreds on board. But when the bristling waves subside, the voice of the chronic grumbler is heard abusing ship, captain, and all his surroundings. His room is small, there are too few hairs in the mattress, and too many cockroaches between the mildewed sheets; some restless fellow has the upper berth, or some squalling children the under. At table, with prominent lower jaw, and open monkey mouth, and sharp teeth, and low forehead with lateral scowl, he keeps up an incessant growling, except during the time required to sweep the food from the table into his capacious mouth. The bread is sour, the butter rank, the fowl and venison insipid, the beef tough, and so on. When those of this category have cursed themselves comfortable, they take to cracking jokes, singing, and gaming.

Here a raw countryman, now become an ambitious searcher for knowledge, earnestly applies himself to the improvement of his little talent by studying certain phenomena which attract his attention about

the ship. Rushing in where angels fear to tread, into the august presence of omnipotence itself, he boldly addresses the Thunderer, the captain of the craft, who if he happens to be occupied gives in return a deep-toned curse and a shove which sends the applicant headlong elsewhere for information. Nothing daunted, but a little more wary in the future, before he leaves the ship he knows the difference between bow and stern, and lee and weatherside, learns to count time by the bells, and to play seven-up for the drinks.

I noticed, after we were fairly out at sea, a certain habitual sarcastic expression on the face of many, particularly those of the ruder sort, as if the wearer wished to cover his sense of inferiority. Such are the men, who, seasoned by experience, and having in reality gained a better opinion of themselves, but making less show of it, on their return from California fall victims to professional pickpockets, who regularly plied their trade between New York and Aspinwall, endeavoring to win the confidence of returning Californians so as to fleece them on going ashore. Some there were on this trip out who had been to California before, men of slow demeanor, with slouched hat and slouched gait, of free and easy speech, and comfortable carriage, and self-satisfied countenance, red-shirted, perhaps, as they were proud of the distinction, and these were looked up to as superior beings by all raw recruits. Some sat the livelong day gazing listlessly on the water, or staring stupidly at their fellows; others restlessly wandered about with a sharp anxious inquiring look; some set themselves up as sailors and talked knowingly of ships, others discussed politics, religion, and monetary affairs, and many had much to say of the land and people to which they were going. Among them you might readily point out the chronic talker, the chronic listener, and the chronic laugher, which latter with his asinine guffaw at every silly repartee was the most disgusting of all.

Yet these men were all of them brim full of fire, even those made most stupid by sea and tropical air. You might see it in their quick jerky movements when molested; in the firm step, the flashing eye, the compressed lip. Each felt himself to be in the path of duty, felt that he was doing the fashionable thing, the right thing. They were sacrificially ordained, and were elevated by the call; they had given up all for gold, and their thoughts and dreams and even their breath of life, were golden.

Steamship life is not so dull as it is disgusting; not so much monotony as morbidity. On board clipper ships, which carry few passengers, there is much more dullness, but there is less social gangrene, less moroseness and chronic distemper. There is a difference between sameness and dullness. Every day of a sea-voyage must be necessarily much the same, every day may be even disagreeable, but no day need be necessarily dull, and no person need necessarily be overcome of ennui. There is much to observe, much to learn. Aside from books, every man has a biography worthy the knowledge of every other man, could its essence be extracted. Some study Spanish, some read, some play euchre, whist, or solitaire, chess or back-gammon, some write letters or keep a journal, and not a few flirt. A sea voyage is love's opportunity; she whose temper can pass triumphantly the oceanic ordeal is worthy Amadis of Gaul. Many a play at love has ended with the voyage in marriage. Some of those who left the fair one behind felt their love to some extent evaporate with sea air and sea-sickness; others still studied the chronometer for the precise moment which should bring their angel to the appointed star-gazing. Here and there a newly married couple may be seen lost in each other, her head upon his shoulder, his arm around her waist, indifferent to remark and oblivious to derisive smiles; but for one such pair you may see a dozen who no less publicly display

their hate, and manifest no more delicacy in disclosing their mutual infelicities. Home-sickness, oftener felt than spoken, sometimes overtakes unfledged wanderers. On this voyage, just as we were passing the Bahama islands, one man was so overcome that he could not repress his tears as he begged the captain to put him on board the first returning ship. "I acted hastily," he cried, "I did wrong in leaving wife and children. But I will make amends; let me return and work for them till I die." In time, this man, who was a poor mechanic, became reconciled; but I could not help thinking how many hearts had throbbed well-nigh to bursting with secret regrets.

The fifth day out was Sunday, when the Episcopal service was read by the purser. Sabbath is never Sabbath again after spending one on a California steamer. The sacred charm is broken, the hallowed influence of the day forever gone, placed among the things that were, only to be called up in the memory, and pondered over, and wondered at. Here Sunday is much like other days; there is little to remind one of the deep celestial quiet of the home Sabbath.

There was a little less card-playing and novel reading; now and then a bible or a prayer-book might be seen, and sacred hymns supplied the place of negro melodies. But home pictures would appear painted on the imagination deeper and stronger than on other days. Evening songs fell on hearts tuned to the old familiar strains, sending tears to the eyes of many a listener. Many there were in body rocked on the Atlantic that in spirit were back by the old fireside. The loud laugh fell on the ear, but the heart heard only the chiming of the village bells; the merry jest went round, but ere it fell it turned to a precept pronounced by the familiar voice from the old church pulpit; the rippling of water was but the murmurs of mother and brother talking of the absent one. Conscience draws fine lines sometimes; there was one man who would not take a hand at cards because it was

Sunday, but he did not mind risking a dollar on the game.

Came in sight late that night, or, rather early the next morning, the fair island of Cuba. I dressed myself and went out. It was a magnificent moonlight night and the sea was smooth as glass. There was a soft tropical haze in the atmosphere, and as, on our approach, the mountains of the interior assumed form, and the green hills, and white beach, and coral reefs —almost buried in foliage—the waving palms of the hill-tops and the orange groves nestling in quiet valleys were more plainly distinguished, the view presented was ravishing in the extreme. Arrived off Habana an hour before daylight, we came to a stop and lay too under the guns of the Moro Castle, where we were obliged to wait until sunrise before entering the harbor, such being the rule. Then, just as the sun lifted its warm tints above the horizon, scattering the sky-painted imagery that forecast the dawn, we turned round the dark bluff, under the frowning battlements of the fortress, gun answering gun in courteous salute, while far over the sea swept the morning music from the fort, like blasts of the archangel sounding the opening of a new world. As we slowly steamed up the channel, on the right of which lay the city, with its terraced houses of many colors, blue, yellow, and red, its quaint cathedral piles and glittering spires, our course was arrested by pompous health and customs officers, who, after performing their duties to their dignified satisfaction, allowed us to proceed. We soon came to anchor before the city, and the passengers were permitted to land.

Pygmalion's statue was no more lost in wonderment than was I. To my inexperienced gaze all was as marvelous as if I had been lifted from another world and put down upon this spot. There was the voluptuous morning sun rolling in an aërial sea of crimson flanked by silver-burnished clouds; the wanton air playing with the feathered palms, and breathing

the perfumed incense of orange groves; and here a wonderful city glittering beside a glassy sea, a city famous for its cigars, its fountains, its magnificent opera house and mosaic mirrored counting house, its narrow streets and broad shaded carriage-way and Isabel Segunde promenade, its grand plaza, cafés and brilliant gas lights, its moonlight music, and gay military officers, and dark-eyed señoritas, and its two-wheeled volantes—the hansom cab of London and the gondola of Venice—drawn by a small, scrawny horse, harnessed to the ends of two long poles ten feet and over from the vehicle. The tail of the animal is braided so as to leave it at the mercy of tormenting flies, and besides drawing the gig with its freight of fat Cubans or fair señoritas, the poor beast must carry a driver with large jingling spurs and heavy club. If more than one beast is attached to a volante, the horses are usually driven tandem.

To the the bishop's garden, the popular drive, most of our passengers went for the day—past villas and chateaus buried in blooming foliage, through avenues bordered by hedges of roses, and shaded by orange-trees bending beneath their golden fruit. At night we listened to the band playing in the plaza, and watched the half-veiled señoritas, and sombre looking men and smoking women and naked boys, moving noisily about beneath the shrubbery and under the glowing moon which, mirrored on the glassy water of the harbor, made it shine like a sea of silver. Siempre fiel isla de Cuba; 'la loya mas brilliante en la carona d' España—heaven be with thee, as thou in my youthful fancy appeared almost like heaven.

The passengers, baggage, mails, and freight of the *George Law* were here transferred to the steamer *Georgia*, and day and evening were consumed in the operation. At length, worn out by unaccustomed fatigue, tired even of a tropical paradise, we shouldered a quantity of cigars which we had purchased

and went on board—settling the export duties, under direction of the seller, by giving a half dollar to the official stationed on board, who pocketed it amidst vehemently gesticulated protestations, which I took to be a sort of mock battle between conscience and duty; or it may be he deemed the bribe insufficient to satisfy virtue so august. Leaving him to reconcile matters as best he might I hurried to bed, and when I awoke in the morning the lovely isle had vanished like a dream, and we were far on our way toward Jamaica, that is to say, the Land of Wood and Water.

Kingston, where we touched for coals, should be the black man's paradise. A negro pilot pretended to guide our vessel into the harbor, a negro port-master pompously manipulated the mails, black shop-keepers importuned passers by, black hackmen clamored for a fare, black prostitutes smiled for customers, black fruit-venders and parrot-sellers crowded the avenues leading from the wharf, dashing black dandies flourished their white-headed canes, squads of black soldiers swelled in the Britisher's red coat, the regimental band which played in the park was composed of some fifty fine performers—black; black women, about fifty in number, some of them young girls, did the coaling, carrying on their heads a tub or half barrel holding sixty pounds of coals, marching up and down the gang-plank with ease and alacrity, accompanying their apparently laborious duty with loud laughter, song, and dancing, while the men sat by and smoked and smiled approval. Swarms of polished ebony bipeds, male and female, perambulated the streets, smoking their long cigars, and familiarly cracking their rude jokes with the passengers. Race distinction, if there be any but such as is merely physical, seems to be here reversed, the white man, as a class, occupying about the position of the black man in other parts. Literally, a white man here is as

good as a black one so long as he behaves himself. Colored freeholders received the elective franchise as early as 1830; after 1838 they could sit in the local legislature, by which qualification 1853 saw one black man in the council and fifteen in the assembly. Judging from the muscle on arm and leg, and the loads the women carry on their heads, this West India climate agrees with the African.

Putting to sea, in three days thereafter we anchored before the ruins of the old fort of San Lorenzo commanding the entrance to Chagres river.

CHAPTER VII.

THE VOYAGE TO CALIFORNIA,—ISTHMUS OF PANAMÁ.

> What deem'd they of the future or the past?
> The present, like a tyrant, held them fast.
>
> —*Byron.*

THE isthmus of Panamá, or, as it was anciently called, Darien, must ever command the interest of the civilized world. Aside from the charm which history throws over this region, as the bar which baffled the last attempt of the great admiral to find a passage to India, as the point where were planted the first permanent Spanish settlements on the North American continent, as the window of the bi-continental cordilleras which, opened by the hand of Vasco Nuñez de Balboa, let in from the great South Sea a flood of light illuminating well nigh to blindness all Europe, as the initial point to many a marauding expedition, as the scene of divers piratical attacks, and local revolutions,—I say aside from historic associations, this narrow strip of earth must ever be regarded with attention by all the nations of the world, presenting, as it does, the smallest impediment to inter-oceanic communication and an uninterrupted pathway from Europe to Asia, sailing to the westward. Said Walter Raleigh to Elizabeth, "Seize the isthmus of Darien, and you will wrest the keys of the world from Spain." Here the continent was first spanned by iron, and here is being dug the first inter-oceanic canal.

At the beginning of the new traffic arising from the discovery of gold in California, the natives of the Isthmus were civil, inoffensive, and obliging. This

state of things was quickly changed, however. It was a new experience for them, this contact with Anglo-Americans of the ruder sort, strong, shrewd, and overbearing, too often impudent and insulting, too many of them unprincipled, with a sprinkling of unmitigated rascality. The mild and ignorant tropical man shrank from them at first, then grew sullen and suspicious, and finally fell to cheating in return, though never able in this last accomplishment to equal his bright exemplar.

Two pilgrims landing at Chagres from the steamship *Isthmus*, in January 1849, the *Quaker City* then lying in the harbor, hired bongos for themselves and baggage, proceeded up the river to the head of navigation, then transferred their belongings to the backs of mules, riding one between them, alternately, and so proceeded to Panamá. This was then the usual way. The steamer *California* was there, having just come round Cape Horn, and having on board some sixty passengers from Valparaiso.

There was quite a panic among the travellers, several thousands of whom were collected there, waiting for an opportunity to proceed to San Francisco by any conveyance whatever. There was much imprudence among them. The excessive use of intoxicating liquors, eating tropical fruits to which they were unaccustomed, and heavy rainfalls, contributed to develop sickness among them. It was difficult to obtain accommodations; people were crowded, and many died from cholera and fever. Many of the persons on the Isthmus at the time had tickets only to that point, and tickets from there to San Francisco, for deck passage, were sold as high as six hundred dollars. The steamers could not furnish accommodations for so many persons. The steamship company allowed a certain number of tickets to be drawn, but there was much trickery in this. In order that there might be fair play, some of the outsiders were called in; but gamblers and other improper persons having been selected,

their friends were the favored ones. During all this time the cholera was playing havoc among the emigrants as well as among the residents of Panamá. It is a fact that hundreds of the former were victims of that scourge, and of malignant fevers, and that nearly the whole black population of the Isthmus was also swept away by the epidemic, which lasted until 1851. In the course of time, ample facilities for the transportation of passengers from the Isthmus were provided; but the above data, and those given further on, convey an idea of what the first seekers after California gold by way of the Isthmus had to undergo, until the railway, commenced in 1850, was completed, in January 1855.

Seven miles of that great undertaking—great considering the time and the place—the Panamá railway, was accomplished when, on the first of March, 1852, we dropped anchor off Chagres; and to afford the company due encouragement, those seven miles must be travelled over, and contribution levied for the same, at the rate of nearly one dollar a mile, on every passenger crossing the Isthmus thereafter. So orders were given to weigh anchor, and proceed thence two or three leagues easterly to Colon, or Navy bay, then called Aspinwall, the name and glory of the first admiral being thrust aside for those of a New York money magnate. However, the old name of Colon was a few years after restored. There we disembarked, and rode over the seven miles of completed work, paying for the same quite liberally, when we were permitted to engage boats and ascend the Chagres river, which we could as easily and as cheaply have done before as afterward.

Crossing the Isthmus in early times, for an untravelled, provincial people, was a feat altogether individual and unique; a feat very different from a three or four hours' ride in comfortable rail-cars, through

ever changing scenery which affords the observer constant delight, as the journey is now made.

Chagres at this time was a town of about seven hundred native inhabitants, dwelling in some fifty windowless, bamboo huts, with thatched, palm-leaf roofs, and having open entrances, and the bare ground for a floor. The town was surrounded by heaps of filthy offal, and greasy, stagnant pools bordered with blue mud. It is situated on a small but exceedingly picturesque and almost land-locked bay, well nigh buried by the foliage that skirts its banks and rolls off in billowy emerald toward the hills beyond. Between the shore and mountains stretch away for miles in every direction broad, open savannahs, cut into farms, covered with chaparral, and stocked with cattle. Where the river and ocean meet rises a bold bluff, crowned by the castle of San Lorenzo, whose ruined fortress and battlements, gnawed to a skeleton by the teeth of time, gaze mournfully out upon the sea which lashes its waves against its steep foundations, as if determined to uproot in all these inhospitable parts the last vestige of the olden time. Fallen to the bottom of the cliff were parapet and guns; screaming sea-birds occupied the crumbling, moss-covered watch-tower; while within the dismounted cannon, bearing, with the royal arms of Spain, the date of 1745, were slowly changing into rust. Remnants of the old paved road which ascends the hill were there, and the drawbridge over the moat—once wide and deep, but now rank with vegetation—leading to the main gateway; likewise the drawbridge to the citadel on the verge of the cliff, whence a charming view of sea and land may be had. At Chagres, passengers were accustomed to stay no longer than sufficed to engage boats and start on their journey. This region is specially noted for the insalubrity of its climate.

Aspinwall, or Navy bay, where the first blow upon the railway was struck, occupies a small swampy mud-reef called Manzanilla island, fringed with mangrove

trees, and originally covered with interlacing vines and thorny shrubs, and inhabited only by reptiles, beasts and poisonous insects.

It has been stated that Columbus entered Navy bay, and called the place after himself, Colon. This seems to me hardly probable. In the first place, none of the early voyagers make any mention of such an event; and in the next place the great admiral could have found many spots more interesting and important than this to bear his name. Whether Rodrigo de Bastidas or Columbus touched at Chagres, their records do not state. The first mention history makes of that famous place, it will be remembered, is in the adventures of Diego de Nicuesa along these shores in 1508. A relative of this cavalier, Cueto by name, having command of another ship than that in which Nicuesa sailed, and becoming separated from his commander in a storm, was forced, while seeking him, to harbor his worm-eaten ship at the mouth of the river Chagres, so called by the natives, but to which, from the multitudes of alligators that swarmed in its little bay, he gave the name of Lagartos.

Probably there was not in all the world where man dwells a more loathsome spot than this town of Aspinwall, with its hybrid population and streets of intersecting stagnant pools. A bed of slime and decaying vegetation reeking pestilence, alive with crawling reptiles, given over of nature to the vilest of her creations, man for money makes a place of to live in, or rather to die in, for premature death is plainly written on the face of every European inhabitant. Travel the world over and in every place you may find something better than is found in any other place. Searching for the specialty in which Aspinwall excelled, we found it in her carrion birds, which cannot be anywhere surpassed in size or smell. Manzanilla island may boast the finest vultures on the planet. Originally a swamp, the foundations of the buildings were below the level of the ocean, and dry

land was made by filling in as occasion required. The result in this soft soil of filth and vegetable putridity may be imagined. The very ground on which one trod was pregnant with disease, and death was distilled in every breath of air. The rain-fall at Aspinwall is very heavy. During the rainy season, which is from May to January, the windows of heaven are opened, and in October and November there is a quick succession of deluges. Glued furniture falls in pieces; leather moulds, and iron oxidizes in twenty-four hours.

Quite a contrast between the old and the new! In making the transit by rail, the day before reaching Aspinwall every one descended into the hold of the steamer, either in person or by proxy, selected his baggage, had it weighed and checked, and paid ten cents a pound for all over fifty pounds if a holder of a steerage ticket, and all over one hundred pounds if a holder of a cabin ticket. Baggage was then transferred to the steamer on the other side without further trouble to the owner. No sooner was the plank out than the closely penned passengers, with a rush, squeezed and stampeded—the American style of disembarking—hastened ashore, scattered themselves among the hotels, shops, and fruit venders, and were soon lost in present gratification of appetite, and in laying in a store of comforts and disease for the future. The pleasure of placing foot on shore after a long voyage, even though it be the soft spongy shore of Aspinwall, is exquisite. To a cramped sea-rolled landsman any spot of earth looks lovely, especially when viewed from the sea. To tread on solid ground, and feel mother earth beneath your feet again, seems like a return from supernatural regions. Thus to land and thus to cross the Isthmus is a pleasant change from the tiresome life on board the steamers. Railway passengers wish the ride was longer, wish they could so ride all the way to San Francisco. Seated by an open window, the face fanned by the

motion of the train, and armed with a pitcher or pail of iced water, the ride is indeed charming. But at the time of which I write crossing the Isthmus was a very different affair, as I shall show.

Placed ashore at Aspinwall by the ship's boats the passengers by the *Georgia* were conveyed on open platform cars to Gatun, seven miles distant, situated on a small stream of the same name, near its confluence with the Chagres river. There an uproarious scene presented itself. The occasion was the hiring of bongos or canoes in which to ascend the river. The boating was done by negroes and natives; the patrones, skippers, or owners of the boats were mostly creoles, the least tinge of whiteness in their blood being sufficient to warrant them in asserting supremacy. The gold-seekers were here first thrown upon their own resources; here the real battle began. On shipboard they were only so much steamship pabulum; the goddess of liberty had shrunk to the dimensions of a captain of a water craft. Once more on shore, and American manhood might again assert itself. Of course attempts would be made at cheating, and such attempts should be resisted to the death. Nothing quicker marks the narrow-minded and inexperienced traveller than a morbid fear of being overreached. Shall the American eagle be brow-beaten by the turkey-buzzards of a nonderscript No-land? Hence any attempt at fancied imposition was blustered down, and knives and pistols freely used, if necessary, to enforce fair dealing.

Seldom did a steamer load of passengers get started up the river without much wrangling. Boat-owners were not slow to take advantage of their necessities, and charge exorbitant fares; or having made a contract they flew from it and demanded more. Rascality was rampant; and so keen were the adventurers to scent a swindle that they sometimes found a mare's nest. Many a pilgrim here first shed the crust of conventionality; and many another on glancing into,

the kaleidoscope of unsanctified human nature and liberated passion turned back discomfited, and sought his home by the steamer that brought him. If the infernal regions were to be bombarded for this gold, they would pause and consider the matter. Then there were yet those fastened by fate in this magnificent cesspool of tropical putrescence who could get neither way; who having taken their chances of reaching California had lost. Happy indeed would they have been if they could have gone forward in any direction. And there were those, saffron-visaged skeletons, stretched side by side on cots, in the heated rooms of hotels, on whom death had set its seal, with no loved one near to ease the aching limb or wet the parched tongue.

Passengers in India rubber and oilcloth suits, singly and in amalgamated groups of quondam friendships, armed with pistols, guns, knives, umbrellas, and life-preservers, mild-mannered as belted brigands, were on the *qui vive* lest assassination should add their carcasses to the many significant mounds in the vicinity. Equipped with drinking-cups, pots, kettles, forks, spoons, and air-beds, with stores of meat, bread, brandy, and pills, all were rushing about bargaining, swearing, and whooping, impatient to be off. Bamboo-faced patrones ranting bad Spanish, in broad-bottomed pantaloons, colored muslin shirts, and broad-brimmed jipijapa hats, with huge cigars in their sensual mouths, having fleets or boats at their command, formed the central figure of excited groups. Canoes from fifteen to twenty-five feet in length, dug from a single log of bay or mahogany, and capable of carrying from four to ten persons with their luggage, could be engaged to Gorgona for from thirty to fifty dollars and a bottle of brandy for the boatmen. The patron usually accompanied his fleet, steering one of the boats.

Our boat is engaged—it has an awning to protect

us from alternate sun and rain—our baggage stowed, and we have settled into as comfortable positions as our cargo will permit. One glance at the jangling crowd upon the bank, and we are off. After all there is something touching in the scene. The steamer we had an idea would bring character to the surface; but now we find we knew little of our neighbors before they stepped ashore, and assumed their respective parts for the Isthmus extravaganza. The burly man and loud talker, that we imagine might brave boatmen or boa constrictors, now puffs and sweats about the outer edge of a knot of determined actors, among whom the little quiet boyish-looking fellow, with short, slight frame, small hand, and delicate features, assumes authority as by appointment. In such an emergency mind and resolute daring, of their own inherent virtue, form a nucleus round which grosser substance gravitates. Then what a history they have, every one of them. In their *outré* guise, with all their inordinate desires and liberated propensities, their fretful fault-findings, stupid misunderstandings, and morbid restlessness, there is an air of stormy grandeur about them. They are heroes and martyrs, in their way. Have they not left quiet peace for troubled wanderings, abandoned loving hearts for loneliness? Have they not for sweet charity's sake blinded their eyes to the rosy smiles of children, stopped their ears to the passionate sobs of wife and mother and sister, steeled their affections against home and its sanctifying memories, and cast themselves adrift, aye, plunged their souls into a gehenna of inquietude and stinging battle?

Two or four or six shining, black, thick-limbed and muscular negroes, uniting with the African wooly hair, and protruding lips, a Moorish aquiline nose, or as many lighter colored, and lighter limbed natives, propelled the boats up the stream by means of poles, at an average speed of a mile an hour. Taking their stand upon the broadened edges of the canoe on either

side, one end of their pole upon the bottom of the river, and the other placed against their shoulder, smoking with perspiration, their deep chests sending forth volumes of vapor into the vapory air, their swollen sinews strained to their utmost tension, and keeping time to a sort of grunting song, they step steadily along from stem to stern, thus sending the boat rapidly over the water, except where the current is strong. The middle of the channel, where the water is deep and the current rapid, is avoided as much as possible; yet with every precaution the men frequently miss their purchase and the boat falls back in a few minutes as great a distance as it can recover in an hour. Every now and then, ceasing their work, the swarthy boatmen disrobe with the most imperturbable sang froid, and wholly insensible to the presence of horror-stricken females, and with perspiration streaming down their naked sinewy limbs, cry "baño!" and running the bow of the boat into the bank, they fasten it there with the poles and plunge into the stream. Or if overtaken by rain, which here falls with scarcely the slightest warning, they strip themselves to the last rag of whatever they happen to have on, and rolling up their clothes put them in a dry place until the rain is over. In places poles and paddles are wholly ineffectual, and the boatmen are obliged to take to the bank, and tow the boat after them with a rope, or, wading in the water, bear it by main force up the rapids.

One boat after another is pushed along amid sage remarks, coarse jests and yells, and the firing of pistols. There is a humorous side to every scene; and this was the side usually uppermost in early Californian times, however trying the ordeal, or incongruous the grouping, or dismal the moral shades. To these adventurers so lately liberated from the nauseating confinement of a rolling overcrowded steamer,—notwithstanding the heat and moisture which hung in the air, and folded them about like a wet blanket—

such things as ground on which to plant their feet, though none of the firmest, activity of muscle and mind, midst scenes so new and wonderful to them, together with liberal potations from the reputed fever-preventing bottle, had a most exhilarating effect upon their spirits; though most of them were quite ready again to seek refuge in a ship before they found one on the other side.

Surpassingly beautiful is the foliage along the banks of this Circean stream. Rolling up from either side are mountains of impervious forest, gigantic, rank, and wild. Every shade of green, sombre and bright, mingles with rose-red, purple, white, and yellow, orange, blue, and pink in endless varying kaleidoscope. Solemn palms, thick-leaved mangoes, bold majestic teaks, and bounteous bananas are linked by crimson-blossomed parasites, which, twining, interlacing, creeping, and pendant, mat and unite all brotherhoods in close embrace, and over-reaching the glistening banks meet their image in the glassy waters. Bending acacias dig their sinewy roots into the soft earth to prevent falling, and weave their branches into thick screens; bread-fruit hangs in huge clusters overhead, and plantain pine-apple and orange, mango and lime, papaw alligator-pear and sugar-cane, yield profusely their spontaneous favors. It is no trifling matter to be a tree in the tropics. If erect and strong it is made a plant-patriarch, whether it will or not, and must support a dense mass of orchids, purple convolvuli, and creeping plants of almost every genus and species, which if spread upon the ground would form a thick carpet covering a space five times the area of the tree's shadow at noon-day; and when at last the forest behemoth is smothered to death, and dragged down by these relentless parasites, its sapless trunk is speedily buried in broad leaves and tender vines and bunches of spongy moss, and its tomb decorated with flaming flowers and delicate microscopic blossoms.

Underneath dark vistas of shadowy colonnade are

tall grasses and tangled shrubbery through which wild beasts with difficulty force their way. What in our colder climes are rare exotics, here riot in the open air, bursting with exuberance. Innumerable flowers of every hue gild the landscape; the tiny blossoms of the north spread out in flaming proportions, or assume shapes in which they almost lose their identity, while innumerable species unknown to the northern naturalist abound in rank profusion. Chief among these, and one of the most remarkable that blooms in any clime, is the Flor del Espíritu santo, the flower of the holy ghost. Lifting its graceful form from marshy pools and decayed logs to a height sometimes of six or seven feet, it throws out broad lanceolate leaves by pairs from jointed leaf-stalks, while on a leafless flower-stalk springing from the bulb are sometimes ten or fifteen tulip-shaped blossoms of alabaster whiteness, and powerful magnolia perfume, enfolding within their tiny cups the prone image of a dove, formed in such consummate grace and symmetry as no art could approach. And with this emblem of innocence and celestrial purity rising from a sensual paradise; with its gentle head bent meekly forward, its exquisitely shaped pinions hanging listlessly by its sides, its tiny bill, tipped with delicate carmine, almost resting on its snow-white breast, in form and feature the very incarnation of ethereal innocence—shall we blame the early priests for pointing the poor natives to this flower, and telling them God is here?

Palm trees of various descriptions line the banks, and gorgeous water lilies dip their fragrant heads as the boat passes over them. Every shower of rain is like the sprinkling of perfume on the vegetation. Birds of richly painted plumage and shrill song illuminate the forest; the dark, scarlet-breasted toucan, which tosses its food from its long serrated beak into the air and catches it in its throat, and in drinking, as the padres say, makes the sign of the cross, whence they call it Dios te de, (May God give thee); scream-

ing parrots, parroquets and flamingoes with their harsh discordant voices, and black and yellow turpiales, wild turkeys, peacocks, and herons, and multitudes of others, gorgeously feathered and sweet of song, glitter amidst the shadowy green. Chattering monkeys leap from tree to tree and swing upon the pendent vines; mammoth blue butterflies, brilliant as the rainbow, dance in the sun and rise to match the azure of heaven on wings a hand broad; and humming birds, beautiful as the butterflies, buzz and poise and dart from flower to flower. Myriads of insects with burnished coats of mail sparkle in the air and people the plants, while all through the day the shrill whistle of the chicharra —a kind of green grasshopper—is heard, which beginning in a low gurgle, rises into a clear blast like the whistle of a steam engine, and which may be distinguished a mile distant.

Early Spanish writers throw up their hands in astonishment over the wonders of this land; melons, cucumbers, and lettuce, say they, ripen in twenty days after they are sown. Fruits and edible roots abound in great profusion. The pineapple was considered the most delicious of all tropical productions. Wild beasts and venomous reptiles and birds of brilliant plumage fill the forests. A species of lion, smaller than those of Africa was found there, as well as fierce leopards and ravenous tigers which easily tear a man in pieces; deer, foxes, hares, rabbits, multitudes of apes and monkeys, alligators, venomous bats, vipers, snakes, scorpions, pheasants, peacocks, parrots, and birds decked in a thousand shades of gay livery, and pouring forth sweet melody, all preying one upon another, each fulfilling its mission, to occupy and enjoy the bounteous gifts of nature so lavishly placed at their disposal.

It is a pity so fair a scene should be so foul; that such dark death-dealing plague-spots should be clotted in treacherous beauty; that quick and ardent nature should flood such loveliness with vapors of destruction,

should breathe into it a breath of malignant perfume, and give it over to slimy reptiles and ravenous beasts; to panthers, tigers, leopards and cougars, to long lash-like snakes, and lazy alligators, and poisonous ants, and black stinking cormorants.

The river here is a clear, but somewhat shallow stream, about fifty yards wide; its banks at first low and marshy rise into hills as you ascend, and roll off in distant mountains. Now it is full of bongos and canoes coming and going, racing, knocking against each other; and at every turning of the crooked stream the boatmen's cries and shouts of passengers are heard cheering as they pass. So winding is this river in its course that more than fifty miles are traversed in order to reach a point thirty miles distant.

On they go, the prospective diggers, panting after a sight of the yellow dross as harts pant for water. To them it was nothing but the nakedness of God's creation, all this wild, weird beauty about them, the glorious quivering and play of light and shadow, where the black reflects the cliffs of eternal foliage rising sheer from its very edge. As we ascend, though still tropic, the river scenery becomes more subdued, and the country in places begins to look as if cultivation was being attempted.

At Dos Hermanos we stopped a little before night for our supper. Before one of the principal eating-houses we found a table spread in the open air, covered with a clean cloth, and attended by a mahogany-colored woman, bare to the waist, with a white loose flowered cotton skirt trimmed with lace, a broad-brimmed Panamá hat, and a golden necklace adorned with coins. On her unstockinged feet were a pair of yellow satin slippers, and in her mouth a long large cigar. On the table were red earthen jugs and odd-shaped dishes filled with tortillas, dried meat, boiled fowl, eggs, fresh rolls, and coffee.

Scarcely had we started on our way when night

fell suddenly upon us and the whole heavens were illuminated. Large fireflies glowed like sapphire in their vain endeavor to outshine the stars, which sparkled with almost dazzling brilliancy above them. Behold here a new heaven and a new earth! new constellations above and new fruits and flowers below. A torch placed in the bow of the boat cast weird shadows over the disturbed water, and threw into denser blackness the bordering thickets. Presently the moon came up from behind the mountains of verdure; and while the swarthy forms of the boatmen marched to their monotonous strains, the tired traveller sat silently with cramped legs, or lay his aching back upon the heaped up luggage and watched in dreamy speculation the blazing stars. Passing Ahorca Lagarto we spent the whole of the following day toiling up the stream under a burning sun, with occasional showers of rain, the hot glare upon the water and the steaming rottenness on the land being at times almost unendurable; now and then we landed to rest and eat. The crisp cool morning and evening air, laden with sweet odors from the woodlands, was most refreshing. Part of the next night we laid over at Barbacoas, a native village with huts of poles and palm-leaves furnished with a mat to stretch on and a hammock to loll in, and thick with swarms of naked children. Before the tramp of gold-seekers awoke their avarice, centuries came and went, and the dolce far niente of the natives, like their soft skies and fragrance-breathing forests, was undisturbed. Too indulgent nature by withholding the necessity removed the incentive to action.

The next day we reached Gorgona, which ended our boating and the first stage of the journey across the Isthmus. Two days and nights were usually occupied in accomplishing this distance, portions of the days being taken for rest and portions of the nights for travel. There were two points on the river where passengers were accustomed to leave their boat and

take a mule trail for Panamá—Gorgona and Cruces, the latter being about six miles from the former; indeed, there was a third landing, Obispo, lying between the other two at a sharp bend in the river. Gorgona is the head of river navigation for six months of the year, namely, from November to April, and Cruces for the other six months. The trails from these different points all unite before reaching Panamá.

At Gorgona, that is to say the Place of Rocks, we found a bamboo-built hotel with thatched roof and ground floor, the principal room having round the sides rows of grass hammocks hung on a frame-work of upright posts in the form of shelves one over another like the steerage berths of a steamer. These berths were of sufficient size to accommodate an outstretched man, and one of them I engaged for the night for one dollar. Evidently the landlord knew how to keep a hotel. After supper I went out to take a survey of the place. The scenery thence is bolder than any I have yet seen on the Isthmus. The town, consisting of about a hundred houses, is built on a high table-land, whence rise hills and mountains on every side, covered with drift-like masses of vegetation moved by the meeting winds from two oceans, and forming an amphitheatre through which flows the tortuous stream at my feet. Yonder is the crowning peak of Carabali whence, it is said, both the Atlantic and Pacific may be seen from one spot. Besides the house in which I lodged were five or six others, some of them of boards, some of adobe with tiled roofs, and some of reeds, with large signs such as "Union Hotel," "Hotel Francaise," and the like, kept mostly by Yankee landlords, who appeared to know how to make the most out of the traffic. The carrying trade between here and Panamá smacks of Yankee enterprise, as do also the gaming tables where the natives lay down their hard-earned dollars. There were also a few stores, and an abundance of drinking saloons and fandango houses. Night came on apace,

and darkness, falling suddenly when once the glaring sun dropped behind the hills, and soon a blaze of light poured from the hotels, saloons, and gambling and dance houses in front, while a thousand moving torches glimmered in the surrounding darkness, and mingled with the promiscuous mass of brute and human life. Rising in the background was the dark silent wood, and in front the sluggish stream, on whose bank this so strange assemblage had gathered.

There was a fandango that night; there always seems to be one at places of this kind. The Gorgonan upper ten danced at the alcalde's; the baser sort on the sward beneath a vertical moon. Byron is right in his sarcasm on the chaste moon. It was a half barbaric and wholly voluptuous dance, and the reward of the danseuse, the most enduring and suggestive, was to have the hats of the company piled on her head—a doubtful honor considering the heads from which they come. These hats had the advantage over beehives, that their inhabitants did not sting.

Rising early next morning, and partaking of a hasty breakfast of beans, salt meat, coarse black bread, and coffee without milk, I went out and encountered a scene similar to that at Gatun, where we had embarked on the river below two days before, except that in the present bargaining mules took the place of boats, and there was an absence of that wild hilarity which displayed itself immediately on landing from the steamer. All through the night boats had been arriving, and there were now a hundred of them and more strung side by side at the landing. On the low shelving sandy bank were scattered miners' tents and native huts, uncovered piles of baggage, mingled with which were the prostrate forms of unhoused pilgrims, landlords, muleteers, and transport contractors, while up the steep embankment, rising from the river-bottom, were bands of fly-blown horses of the order of Rosinante, neighing to the mournful melody of mules, and filling the heavens with their discords.

To add to the commotion, we here met the main body of returning Californians, on their way from Panamá to take the steamer which we had left. Some of them were neatly clad, orderly, and quiet; others, in their shaggy hair and long untrimmed beard, guarding with religious care their torn and earth-stained garments, as sacred relics of their pilgrimage, were laden with gold-dust, and wore in their bronzed visages the smirk of success; but by far the greater number were disappointed-looking men, poorly dressed, some suffering from rheumatism, crippled limbs, and broken constitutions; some with their formerly stalwart frames shrunken and wasted by fever, and many disheartened, bankrupt wretches, who had been stripped of their all, and were now returning to their homes, scattering curses on California as they went along. It is a significant fact that the steamer steerage was better filled on the return trip than on the voyage out; and there was more money in the pockets and in the gold-dust belts of the steerage passengers than in those of the cabin passengers. The reasons were these: Returning Californians comprised four several classes. First, those who could get home no other way, who could barely scrape enough together to buy a steerage ticket. Secondly, those who had money, but who had toiled hard for it, were accustomed to roughing it, and preferred economizing here that they might have the more hereafter; this was a large class. Thirdly, inefficient and impecunious sons or relatives of gentlemen, who were helped to California by their friends in the hope that they would there develop into something, and were now, after having made a miserable failure of it, being helped back to their homes in order to save them from total destruction. These could by no means make up their minds to descend into the depths so long as they had friends to foot their bills. And fourthly, men of means, whose money was chiefly in bills of exchange. Many miners went home in the steerage armed to the

teeth, and well laden with gold-dust, two or more friends uniting their accumulations, and each in turn guarding their treasure night and day, never leaving it for an instant during the entire trip. This was in order to save the freight, which was then high. They argued if they got through, their money should; if it was lost, all would go down together.

Narrowly they eyed one another, the going and the returning, one with interest not unmingled with admiring envy, and the other with an air of superiority, perhaps with contemptuous pity. Ah! the mighty power of gold, in which is condensed all that is bright and beautiful of earth, all that is holy of heaven and hateful of hell, in whose yellow molecules are wrapped all human virtue and passion, that could thus consummate this meeting, bringing together from the remotest ends of earth brave men of thought and deed, meeting here in the heart of a tropical wilderness, in the middle of this narrow Isthmus which so provokingly obstructs the world's commerce, on the topmost point, round which revolves the two Americas and the two great oceans, meeting in a pestilential clime, some hurrying one way and some another, some sick to death of gold-seeking, others burning for it! It was not a little curious, the sight, as we stood and watched them there, the outward bound and homeward bound, some with the confident swagger of greenness yet upon them, rude and unaccommodating in their grumbling selfishness, stupid in their perverse independence, and surly in their unreasonable opposition to order and regulations; the others, men of like origin and caste, but licked into some degree of form and congruity by their rough experiences, rude and ragged they may be, but quieter, more subdued, more easily adapting themselves to circumstances, more ready to yield some fancied right for the common good, more humanized and harmonious, whether more polished or not. Light like that of revelation seems to have broken in upon them during their wanderings, enlighten-

ing their minds and toning their hearts to new sensibilities.

With as little delay as possible our passengers handed their baggage to the packers, hired saddle-mules, paying from ten to twenty dollars for a beast to Panamá, and mounting, filed off into the narrow path that marked the way. Some of the women donned man's apparel, and rode man-wise; others accepted a compromise, and followed Mrs Amelia Bloomer, who cut off her skirts and paraded the streets of New York in short clothes first in 1849, just in time for the California-going sisterhood to adopt that costume on the Isthmus; others refused in any wise to molest the sacred limits of their petticoats, preferring to die rather than to outrage modesty, shame the sex, and exhibit their large ankles even to the barbarians, among whom he who wore the least clothing was most in fashion, nakedness absolute being full dress. Children were seated in chairs strapped to the backs of natives; luggage was also carried lashed to the backs of porters. For so supposedly enervating a climate, the loads these natives, negroes and mongrels, are capable of carrying is surprising. I was told that some of them frequently packed on their backs 250 pounds from Gorgona to Panamá, twenty-five miles, in a day and a half. Many of the passengers engaged these men to carry their effects, and made the journey with them on foot.

There was no wagon road across the Isthmus, and the trail from Gorgona, though not so broken as that from Cruces, was rough in the extreme, and led through a greatly diversified country. Two miles brought us across the table land, when we entered a dense forest, from which the sun was wholly excluded by the overhanging branches. Thence we followed the path successively over soft, uneven ground, through shady cañons, and mountain chasms murky in their gloomy solitude, up and round precipitous hillsides cut by travel into steps and stairs, on which and into

well-worn holes the careful and sagacious animal placed his foot tenderly, knowing that an inch or two on the wrong side of it would send him sliding down the steep slope. Now we would be under a canopy of creepers trellised with palms, now winding through a valley of impervious undergrowth, rustling with serpents, insects, and birds, and then out into the broad, open, burning plain, crossing turbid streams and mountain rills, wading some filthy morass, rounding rocky cliffs, and exposed alternately to sun and rain. Descending with slow and cautious step the steep declivities from the little spot of table-land round Gorgona, then ascending and descending again and again until tierra caliente is reached, the scenery is ever changing, now captivating with its beauty, and now thrilling with its magnificence. Often we passed through ravines which had been washed out by the rain, and so narrow at the bottom that on entering at either end persons must shout in order to notify others wishing to come from the opposite direction. Hearing the whoops of muleteers within, we were often obliged to wait until they should emerge, when we could enter, and shout for those coming from the opposite direction to wait their turn. Some of these gullies have been worn down thirty feet and more by centuries of travel, and are so narrow at the bottom that a loaded mule can barely get through. Often when travellers met, one would have to turn back; and again, when caught in tight places, horsemen would draw up their legs, and so let the animals squeeze past each other, when this could be done. All along the way crosses marked the resting-place of those overtaken by fever or assassin, while the murderer himself found unsanctified sepulchre beneath a pile of stones at the cross-roads.

Every now and then we would stop to rest at a wayside ranchería, where bread, warm water, and vile liquors were sold at exorbitant prices. Then there were more pretentious houses where the belated traveller could spend the night, the "Halfway House" and

the "True Half-way House" kept by Europeans or Americans. Tea and coffee were plentiful along the route, but milk was scarce. The water of the Isthmus, for drinking purposes, early acquired a bad name; its effects were said to be extremely deleterious, especially on Europeans. The distaste, thus or otherwise arising for this fluid, so fastened itself on many of the pilgrims that it never afterward left them; for on arriving in California they seemed to prefer strychinne whiskey even to the melted snow of the Sierra. As a matter of fact, water, and nothing else, taken sparingly will carry one through fatigue and inhospitable climates better than any stimulant. In crossing the Isthmus thousands have killed themselves, or planted the seeds of disease, under the excuse that water was pernicious.

In ancient times there was a trail from Panamá to Cruces, paved with large round stones from six to eighteen inches in diameter. In places it was three feet wide. It overlaid all the softer ground, and connected with the rocky defiles and hillside shelves, where it frequently narrowed to a foot in width. Near Panamá it widened yet more and was kept in tolerable repair, but the upper end was dilapidated and almost useless, being washed away by flood, or cut under or broken sheer asunder by torrents, so as to leave it in pieces high above the sunken bottom of a ravine. Over these disordered heaps of smooth stones mingled with soft deep mud, the poor heavily laden mule was obliged to stumble, and the wonder was how he ever got through at all. Though not as comely as the beautiful beasts of Europe, these mules, with their limbs of steel, show a more marvellous dexterity, risking their feet with confidence, as if by instinct or memory, in dangerous places. There is no necessity for directing the animal you ride; give him his head and let him go, and when you get to Panamá get off and give him the bridle; the master is not far away. The Gorgona trail strikes the ancient road some seven or eight

miles from Panamá, and the glare of a vertical sun on the hot uneven stones of this pavement, as one emerges from the more shaded interior, is painful.

Over this old Cruces road and down the river to the northern ocean, the wealth of the South Sea was conveyed for centuries; and even to this day were to be seen gold trains and silver trains, with uncovered bars of glittering metal corded to the saddles of richly caparisoned mules with jingling bells, in charge of some pompous merchant's clerk, heavily armed, booted and spurred, and attended by a guard of half a dozen yellow musketeers. Thirty or forty mules, sacred to the conveyance of the steamer's gold and mails, crossed as a separate caravan, and often by a route of their own, and these should by no means render the slightest assistance to any of the passengers, no matter how urgent might be their necessities; for while the bodies of men and mules go and come, gold and its power remain eternal.

Down from the mountains and out of the tropical wilderness we approach the borders of the broad Pacific. From a series of plains dotted with patches of black thorn and cactus, and groves of citron, orange, and mango, we strike into the paved road, cross the old stone bridge, and are soon among the plantations and suburban residences of Panamá. Goats and herds of cattle now mingle with bands of pack-mules, mounted stragglers, and pedestrians; water-carriers ply their trade with increased activity as the day draws to a close; houses, two and three stories in height, of wood and adobe, supplant the remoter reed huts, and following the current of gold-seekers we leave behind the shops outside the walls, cross the moat, and passing under the arched and towered gateway of Puerta de Tierra, with its old stone cross and bell, we enter Panamá.

Dating from the founding of its ancient site, some six miles distant on the beach, Panamá is the oldest

European city now standing on the mainland of the two Americas.

In the year 1515, the story goes, Pedrarias Dávila, governor of Castilla del Oro, despatched from Santa María de la Antigua del Darien, the first settlement of the Spaniards on the mainland of America, situated on the gulf of Darien, then called Urabá, but whose traces are now wholly obliterated, Antonio Tello de Guzman, a native of Toledo, with one hundred men, and instructions to cross the Isthmus to the South Sea, and establish there a settlement from which to prosecute discoveries along the shores of the Pacific. After several conflicts with the natives the journey was accomplished. As he approached the borders of the southern sea, Tello de Guzman heard much of a place called by the natives Panamá, famous, as the Spaniards supposed, for its wealth; but in truth, only a collection of fishermen's huts, the name signifying in the aboriginal tongue, "a place where many fish are taken."

This was the discovery and origin of the site of old Panamá; and although nothing further was accomplished toward a settlement during this expedition, subsequently, from the reports given by Tello de Guzman, Pedrarias founded the metropolis of his government. There, after the chivalrous Vasco Nuñez and his comrades had been beheaded at Acla, the surly old governor quarrelled with Oviedo, and plotted against his best friends. Thence Pedrarias proceeded to pacify Nicaragua, and thence Francisco Pizarro and his bloody crew sailed for the conquest of Peru. "Very noble and very loyal" Charles V. called the town in those days, meaning thereby very much gold, very much gold! Now the spot is so silent and dead, so crumbled and forest-enclosed, that on one side you may pass within ten steps of its ancient walls and discover no city, while from the bay a solitary ivy-covered tower is seen, which marks the tomb of crumbled splendor scattered round its base. In 1671 the buccaneers under Henry Morgan, sacked

and burned old Panamá, and it was then determined to choose a healthier site before rebuilding the city.

The old city boasted its palatial houses of cedar, adorned with paintings and rich hangings, its cathedral and other fine churches; its eight convents, with their costly altar-pieces and gold and silver ornaments; its 2000 dwellings tenanted by wealthy merchants, and 5000 by lesser tradesmen; its royal stables, and beautiful gardens, and fertile fields; and the new city was built upon a scale of yet grander magnificence. But with the decline of Spanish power in the new world, Panamá fell. The vast trade upon the Pacific, extending from Chili to California, and across to the Philippine islands, which brought to anchor in her harbor galleys laden with the gold and silver of America, and the rich stuffs and spices of India, and filled her store-houses, and made her merchants princes, became scattered. The city sank into a lethargy from which it was partially awakened by the shouts and pistol-shots of a new race of gold-seekers. But Ichabod was too deeply graven on her door-posts. The glory of despotism and fanaticism had departed; and even in the momentary awakening incident to the Californian emigration the principal traffic was in the hands of Anglo-Americans.

As compared with its ancient grandeur Panamá, until the construction of the ship canal was fairly under way, presented a melancholy appearance. The city is built on a rocky peninsula which juts out some quarter of a mile from the base of the Ancon hill into a broad, peaceful, isle-dotted bay. Across this peninsula from beach to beach, extend streets, intersected at right angles by other and broader streets, which invite currents of air, and most of which are well paved. On approaching the city from any direction, the dilapidated fortifications, and cathedral towers, and high, tiled roofs attract the first attention. The houses are built of stone, wood, and adobe; most of them are two stories in height, some three, with

courts or patios, and verandas round the upper stories, beneath which one may walk during a rain over nearly the whole town without getting wet. The style of church architecture is *sui generis*, Hispano-American if you like, common to the cathedrals and missions throughout the whole Pacific States; adobe, stone, and stucco thrown together in quaint irregular piles. Some of the principal churches and many of the buildings were in ruins, the roots of ravenous plants boring into the crevices, dislocating the stone, and tearing down the huge walls. The grand old cathedral, however, remained, fronting on the plaza as all cathedrals do, with its towers filled with bells, and mosses and creepers covering its crumbling walls; beside which there were at the time I first visited the city, a college, a nunnery, and four convents. The cathedral would hold four thousand persons; the roof was supported by large pillars; round the altar was a profusion of silver ornaments, and flat on the floor were scores of marble slabs on which were graven the virtues of the holy remains resting beneath. The twelve apostles in marble occupied twelve niches in the end toward the plaza. Bats and lizards infested the building and disputed with worshippers the right of occupation. Pictures adorned the walls and shrines were placed at intervals around the interior. Over the crucifix of the high altar presided a large silver stork with her young.

Throughout the city pearl-oyster shells glittered from steeples and pinnacles, and from the turreted bell-towers at the street corners, every morning at sunrise, came discordant peals, accompanied by the clang of cathedral bells, filling the streets with pious worshippers slowly and silently wending their way to church. On feast days which were many, the city flaunted her bravest finery, and looked not unlike a wrinkled beldame in gaudy attire. Gaily dressed men and women, proudly sporting their Spanish cloaks, and darker-skinned natives in white costumes, marched

the streets from one bedizened altar to another, while the shaven priest with his peculiar hat, long black robe with bright satin lining, small clothes fastened at the knee with golden buckles, white silk stockings, slippered feet, and cigar, surveyed with zealous interest the effect of his enlightened teachings.

But on all days were seen stealthy coffee-colored men with thin sinewy limbs; stealthy half-naked women with twinkling jet eyes and bronze bust glistening in the palpitating light; girls and boys surrounded with cocoanuts, oranges, and limes, bananas, eggs, and flowers of shell work. There were avenues of fruit and vegetable stalls; while through the open doors under the veranda the more aristocratic traffickers displayed their dry goods, groceries, and liquors.

The main streets in the central part of the city were lined with hotels, shops, and gambling saloons, newly whitewashed and adorned with flaming sign-boards in English vocables, while on nearly every other house waved the stars and stripes. This busy renovated centre was flanked by crumbling vine-clad walls and mouldering ruins. In its palmy days the two sides of the town facing the sea were protected by batteries, and the sides toward the land by a high wall with watch-towers and moat. The bastions were constructed at different times as necessity demanded, and presented an irregular appearance; and though the walls were high the fortifications were not strong. Panamá was divided into two parishes, one, the city proper, lying within the wall, and called San Felipe, the other, that portion without the wall called Santa Ana. Two large gates opened toward the sea and two toward the land; the latter once strongly fortified were entered by drawbridges. The popular promenade was the rampart, round whose tottering walls and ragged turrets were scattered the dismantled guns of brass, so richly wrought and so carefully embossed by the great foundries of Barcelona.

The private houses of San Felipe were mostly of

stone, those of Santa Ana of wood. They had tiled roofs, unglazed windows, small halls, with doorways large enough to admit a man on horseback, through which the air might circulate freely. The heavy wooden balconies, which were universal, served at once for all possible purposes. One would there place his kitchen, another his laundry, another his bath-room; they were likewise used for reception room, garden, and promenade. The family living in the upper apartments, the ground floor was usually let for shops or manufacturing purposes, or, it may be, occupied by servants. Santa Ana was composed of a poorer population, mechanics and laborers, and these arranged their households as best they could, some living with rats, pigs, and chickens in a style inferior to that found in the villages of the natives. Houses decayed rapidly, and owners and tenants alike appeared averse to making repairs. Sometimes the dirty walls were whitewashed at the beginning of the dry season, and the holes of the comejen-eaten woodwork filled with green paint, but often doors and balconies were left unwashed and unpainted. Water was brought on mules from a river three miles distant, and emptied into porous jars placed in niches in front of the better houses, where it was kept cool by evaporation. The rooms of the city houses were usually large and airy, the ceilings high and unlined; they had no chimneys, cooking being done in the court-yard, or on the floor or stone table of the kitchen. In most of the rooms were hammocks, in which lazy men and loosely robed women lounged away the time.

All sorts of costumes were worn by men and women of every mingled shade of color, Caucasian, American, and African. The native female was satisfied with a simple skirt; the creole loved a white cotton skirt flounced and trimmed with lace, with low, loose, sleeveless waist, leather or satin slippers, and a jipijapa hat; the Spanish gentleman who had not yet adopted European fashions delighted in white linen pantaloons

and vest, a loose coat of the thinnest material, and a broad brimmed jipijapa hat of fine texture; while the African, breeched or unbreeched, broiled in simplicity unconstrained. The nationality of foreigners disappeared under the *bizarrerie* of their accoutrements; the gentleman gold-hunter found a woollen shirt, cotton pantaloons, and straw hat very comfortable. Jipijapa hats, commonly called Panamá hats, are not made in Panamá, but in Peru and elsewhere. They might be had for two or three dollars, and up to fifty, and even more. The Spanish creole gentleman, who is usually slight but wiry, in complexion sallow, with black hair and eyes, and always a moustache, if his purse permitted would wear white pants, and appear to the best advantage. There was no lack of beauty shining from the half veiled faces of the señoritas, with their white dresses, in red and yellow ribbon trimmings, and bright colored slippers often covering stockingless feet. The dress of the better class was at this time becoming European, black being the prevailing color.

The population of the Isthmus consisted mostly of natives. Some parts of the country had not been conquered, and several of those conquered had been abandoned by the conquerors, who found it beyond their power to occupy them and subdue nature, even if unmolested or assisted by the Indians. Besides Indian and African, and Indian and Spanish intermixtures, Spanish was infinitely crossed with African, of which Carib blood was then most prominent. These remarks refer especially to the coast region. In the interior departments, like that of Chiriquí, a purer white element predominated then as now. The most dangerous characters were the vagabonds from the shores of the Antilles, who had been drawn to the Isthmus since the Californian passenger traffic commenced. The government, not having the means to support a sufficiently large police force, such as the existing circumstances demanded, authorized the rail-

road company to assume the protection of life and property on the transit, with power virtually to inflict condign punishment on criminals. The force organized while the railway was being built consisted ef forty men, motley in color, costume, and character, but very efficient, and was under the command of a delicate, boyish-looking, but most energetic Texan ranger, named Ran Runnels. Though this force had no jurisdiction in the city of Panamá, it occasionally made arrests of desperate characters within the walls, the criminals receiving their punishment without. This irregularity was winked at by the authorities. In a short time the Isthmus was free of the numerous malefactors, which had been drawn from all parts of the world to prey upon travellers crossing from ocean to ocean.

The climate of the Isthmus is very hot on the coasts, but on the sides of the mountains in the interior it is comparatively cool and healthy. The city of Panamá is the healthiest sea-board spot in this region, miasmatic fever being prevalent almost everywhere else. Besides standing out in the sea as it does, the waters of the ocean playing upon three sides of it, and from which it receives breezes opposing the insalubrious air of the interior, there stands the hill Ancon at the rear of the peninsula, forming a natural barrier to the poison-breathing swamps of the Rio Grande beyond. With proper care, and avoiding the abuse of spirituous liquors, a foreigner may safely live in Panamá the year round; indeed, during the dry season, which is from the middle of December to the middle of May, with the strong northerly winds which then prevail, and the absence of heavy rains, the climate is both delightful and wholesome.

The bay of Panamá is a picture of languid beauty. It is large and open, yet well protected, but so shallow near the town that large vessels are obliged to anchor two or three miles off shore. On one side is the sea into which it opens, spreading out for ten

thousand miles, north, south, and west, rolling up the bay for ninety miles its slow, strong, eternal swells, while in the background banks of dark green foliage rise from the white sandy beach, and swelling into hills and mountains, disappear in the distant clouds. Pyramids of green verdure, made purple by distance, rise from the azure sea, and mingle with the azure heavens. Looking southward from the fortifications you see Flamenco, Perico, and Llenao or Islañao, and beyond some three leagues away is the island of Taboga, near which the coaling vessels rest at anchor. The island is about a mile and a half long by half a mile wide, and has its semi-European town, and its native population, with their hamlets of bamboo huts. Far away toward the east, over indolent waters reflecting the blue sky, the sun's glare softened by the breath of summer mists, past little paradises of brilliant green seemingly floating on the placid surface which mirrors their foliage, are the Pearl islands, where Vasco Nuñez and his crew anchored the ships which they had brought with so much labor and peril across this formidable Isthmus. On the island of San Miguel, the largest of the Pearl archipelago, is situated the town of the same name, where the unbreeched natives used to deck their tawny skin with gems that would make the eyes of a city belle sparkle with delight, and ebony pearl merchants displayed their wares, haggling in the sale of them with all the cultivated cunning of a Jew.

Panamá patched and whitewashed under the new régime offered a seemingly grand array of comforts after our late privations. At the hotel we found cot beds, one to a man, although there were many men to a room. Here was a new field for fretting and brain-whetting, and well the gold hunters improved the opportunity. The streets were crowded day and night with Californian emigrants. Outside the town were encampments of them, apparently as comforta-

ble in their tents as were their brethren in the expensive city hotels.

Here, waiting and watching, some of them for weeks and months, for an opportunity to get away, they continued the process of moral declination and decivilization. Fledglings fresh from their mothers, little mammon-dried men, and tall hairy fellows, armed to the teeth and streaming with perspiration, strolled about the streets, watching the fruit-venders, and water-carriers, ogling the bare-breasted girls, pricing hats, looking wistfully at the tempting catalogue of iced drinks through the open doors of the saloons; or, entering the churches, they would stalk about the isles, peer into the musty confessional boxes and thrust their impious fingers through the lattice, push their way into secret corners, invade the precincts of the altar and profanely handle the ornaments, and sneer, in their superior conceptions of God-worship, at all this clap-trap of the devil, as they called it.

Some few of the aspiring sort studied Spanish, or essayed some knowledge of the history of crumbling relics; some played billiards, or gambled, or got drunk; some fished, gathered shells, braved the sharks and bathed, hunted monkeys and parroquets, or sat under old vine-clad walls gazing at the humming birds as they buzzed about the flowers. Some died of fever; others killed themselves by drinking villainous liquors, eating excessively of fruit, or by overdosing with pills, patent medicines, cholera preventives, and like supposed antidotes to supposed impending disease. Once seized with sickness and without a faithful comrade, a man's chance for recovery was small; for already a coating of callous indifference to the sufferings of others seemed to be enclosing the hearts of many of these adventurers, and a pale fever-stricken stranger was too often shunned like a leper.

The morning after our arrival, and for days there-

after, we were in tribulation about our baggage, which the packers failed to deliver as they had promised. Gradually the truth dawned upon us that this was one of the tricks of the trade; and when after waiting a week, and considering the distance from Gorgona was only twenty-five miles, which could be easily made in a day and a night, when we and many others were obliged to go forward without our baggage, we were satisfied, as we afterward learned to be the truth, that we had been systematically swindled. The fact was that civilization, under the impulse of the gold-fever, had so tinctured this Isthmian wilderness as to have overturned the influence of the simple-minded savage, thus giving up travellers to men more rapacious than beasts, which will not prey upon their kind. At Chagres and on the river, transportation had been left mainly to creoles and natives, as the occupation was too hazardous to health for the shrewd northerners to undertake it; but Gorgona and Panamá were comparatively healthy, and here sharpers might take their stand and levy toll. The native and mongrel races were not bad enough nor bold enough for the situation. These could practise extortion on a small scale, but the cocking of a pistol or the flash of a knife-blade usually brought reparation. Here indeed was a field for nobler talent. Hitherto, and for the last three centuries, dark-skinned carriers had been content to appropriate only a part of the effects committed to their care, and collect freight on the portion delivered; but for the double-edged son of a higher order of culture and broader views such dealings were too tame. So he instituted a reform, weighed baggage at Gorgona or Cruces, and collected the freight in advance, ten or fifteen cents a pound to Panamá; then he could deliver such portions as policy dictated, and keep the remainder having secured the freight on it in advance in case it should prove not worth the transportation. This system I afterward learned from sources unquestiona-

ble, had been regularly practised by men appearing to be New Englanders and New Yorkers from the establishment of the steamship line. Passengers as a rule were helpless; for when the steamer was ready, they were obliged to go on board, and their baggage was not worth the cost of hunting it. From the first appearance of foreign travellers in these parts, it has been a notorious fact, and of current remark, that of all robbers and swindlers on the Isthmus white men were the worst, and compared to them the natives were humane, faithful, and honest.

The steamers here took in coal and provisions, beef, fowl, and swine, flour and general groceries, oranges, pineapples, citrons and bananas, and liquors of all sorts. Quite a traffic was sometimes done here in tickets by brokers; some, to save, would sell their steamer ticket and take passage on a sailing vessel, which they afterward too often found of that class whose captain and officers were accustomed to take in so much wine and spirits that they would forget to take in any water.

After a week's detention the steamer *Panamá* announced her readiness to receive passengers, of which opportunity we all made quick avail. With our effects shrunken to the easy compass of our hands, we left our hotel, walked down the street, and out through the great gate, to the shore of the bay. There we found stationed just beyond the surf that broke upon the white beach, a row of boats ready to convey passengers to the steamer, with porters and boatmen to carry us through the foam to the boat. Wading to the edge of the water the boatmen would stoop their ebony shoulders and back up to us invitingly. Women were picked up in their arms, and handled most tenderly for such sooty savages. Sometimes stepping on a slippery stone, down man and rider would both go into the brine, amidst the shouts of the lookers-on. But this happened very seldom; the wide, bare, leathery feet of the carriers were usually quite sure.

Mounting a naked broad back, we were carried through the surf, dumped into the boat and rowed to the ship. On arriving at the gangway, we were obliged to show our tickets, every species of trickery being resorted to by a certain class on shore to get themselves forward without paying their passage. The passengers then formed themselves into a line before the purser's office window, and when all were on board rooms and berths were allotted.

Thus in this Isthmus transit, we find the history of every man who made it a unique experience, which acted powerully upon the recasting of his character—a fit preparation for the baptism which was to follow his landing in California.

CHAPTER VIII.

THE VOYAGE TO CALIFORNIA—PANAMÁ TO SAN FRANCISCO.

We have had enough of action, and of motion we,
Rolled to starboard, rolled to larboard, when the surge was seething free,
Where the wallowing monster spouted his foam-fountains in the sea.
—*The Lotos-Eaters.*

While here upon the Isthmus, and before proceeding on our journey to San Francisco, let us glance at the route round the continent, that we may be better able to make comparisons as we go along.

There have been many remarkable voyages to California by sailing vessels, as well from Panamá to San Francisco as round Cape Horn; there have been many adventures connected with them far more thrilling than any that occurred in the voyages by steamer. The voyage round the Horn, as it was called, did not differ materially from sea voyages elsewhere; that from Panamá to San Francisco had at this time a marked individuality, a few examples of which I will give.

The rickety schooner *Dolphin*, of 100 tons, left Panamá in January 1849, with forty-five persons. After putting into several ports for supplies, the passengers had to abandon the craft at Mazatlan and transfer themselves to the bark *Matilda*. They finally reached San Francisco on the 6th of May, having spent 110 days on the voyage from Panamá.

But the career of the *Dolphin* was not yet at an end. Certain gold-seeking waifs then in Mazatlan, anxious to reach California, bought and refitted her.

She sailed on the 15th of April with no less than sixty-eight persons, among whom were some who in latter years acquired more or less distinction in California. In the course of the voyage they underwent much suffering, scarcity of water contributing thereto. A number of the company, driven to desperation, landed in Lower California, and made their way north on foot. Reaching Rosario with the greatest difficulty, they sighted two vessels, one the *Dolphin* and the other an Italian bark. The latter took some of the schooner's passengers away with her, and a few of the land party returned to their own old craft, the rest preferring to continue their journey up the coast. The latter after undergoing many hardships reached San Diego on the 24th of June. As for the *Dolphin*, she went into San Diego harbor in a sinking condition, and was condemned and sold without more ado. One of her passengers had died on the voyage.

The vicissitudes of a party on board the schooner *San Blaseña*, of thirty-five tons, which sailed from Mazatlan in May of the same year, were in many respects the counterpart of those suffered by the *Dolphin's* people. Some of their number were taken off by another vessel at sea; the rest abandoned the craft on the coast of Lower California, and made their way on foot, carrying their effects on their backs, to Todos Santos, where they procured mules, and on the 24th of May set out for La Paz. On the journey they suffered greatly for want of provisions and water. Finally, on the 11th of August, they fell in with Emory's surveying party at the initial point of the Mexican boundary line. Meanwhile the *San Blaseña* left San José del Cabo, and completed her voyage at Monterey, after the manner of the *Dolphin*, on the 1st of July.

Another of the land journeys up the peninsula was that of J. W. Venable, who came from Kentucky via Panamá in 1849, and was a member of the state assembly from Los Angeles in 1873, and who travelled

on foot with two or three companions from Agua Dulce, on the coast of Lower California, to San Francisco, about twelve hundred miles. They had been obliged to land by reason of the slowness of their ship, scarcity of water, and stubbornness of their captain. They arrived at San Francisco before the ship. The latter took 166 days for the trip.

But even crazy sailing vessels were better than dug-out canoes, in which some started on the long voyage from Panamá to San Francisco. Bayard Taylor states that in the early part of 1849, when three thousand persons were waiting on the Isthmus for conveyance to the new El Dorado, several small parties started in log canoes of the natives, thinking to reach San Francisco in them. After a voyage of forty days, during which they went no farther than the island of Quibo, at the mouth of the gulf, nearly all of them returned. Of the rest, nothing was ever heard. On other authority, we are informed that twenty-three men left Panamá on the 29th of May, 1849, in a dug-out canoe, for San Francisco. None of these madmen ever proceeded far on the road; neither did many of them ever return.

Returning to our voyage by steamer. "Ah!" exclaims the enthusiastic lover of California, immediately his foot touches the well-scrubbed deck of the Pacific Mail steamer in Panamá bay, "such is California, such the superiority of the new over the old. As the Atlantic steamer is to the Pacific steamer, as Aspinwall is to Panamá, so is your cold, dull, eastern coast to our warm, bright, western coast."

In due time a steam tender conveyed travellers from the company's wharf to the steamer at anchor some three miles away. On account of the tide, which rises and falls about seventeen feet at neap, and twenty-two feet at spring tides, the tender can float at the wharf only twice in twenty-four hours. Low water spring tides lay bare the beach for a mile

and a half from the wharf, while at high tide the top of the wharf is nearly awash. Later, toward the sixties, the railway company arranged the arrival of trains so that there might be no detention; passengers then stepped from the cars to the tender, and were soon on board the steamer. This arrangement was adopted in consequence of the riots which broke out on the 15th of April, 1856, during which the negroes of the arrabal assailed 250 or 300 passengers from the steamship *Illinois*, while they were procuring their tickets at the Panamá depot, a number of persons on both sides being killed or wounded. Much property was also plundered by the rabble. To avert a recurrence of such scenes, passengers to and from California in future traversed the Isthmus without detention. Usually some time elapsed after the passengers were settled in their rooms before the sailing of the steamer, as the baggage, fast freight, and mails came after the passengers, so that there was time to enjoy another view of the surroundings, under that sense of satisfaction and rest which always attended the establishing of one's self in the new quarter. There is now no more change; the horrors of the Isthmus are past; a fortnight's home is found, and the traveller feels almost at the end of his journey.

Much pleasanter on the Pacific is the voyage usually than on the Atlantic. As I have said, the steamers are larger and more comfortable. The temper of the passengers, like the Pacific, is smoother. In one respect it seems almost like beginning the journey anew, this reëmbarkation at Panamá, there is such a general shaking up and repartitioning that one wonders where so many new faces came from.

Lounging inert and listless under the awning on the upper deck, with the bay spread out before you in all its glorious beauties like a breathing panorama, with the evergreen isles rising from the mirror-like surface of the water, and the old-time city in the distance, the authoritative hill of Ancon marking the

city of to-day, and the tomb-tower of San Gerónimo designating the site of old Panamá, which the bold buccaneers ravished with such a relish; the hazy mountains beyond, with their curiously shaped crests—thus quietly watching the boats come and go, the fruit-venders dispensing their wares, the sea-birds circling round the ship, and turkey-buzzards solemnly sailing through the air; listening to the friendly waters which lap the smooth sides of our monster vessel, with the softly perfumed air that wanders objectless between the sea and the low-lying sky, there comes stealing in upon the senses a delicious repose. Up to this point, and for several months past, mind and body have been upon the rack about this California expedition. There were the preparations, the adieux, the embarkation, the voyage, the Isthmus; then there is the remainder of it, the voyage up the coast, the landing, the new life, with all its desperate ventures and uncertainties; but here, for the moment, is perfect rest, earth, sea, and sky combining to intoxicate the senses, enrapture the soul, and overspread all with a sensuous tranquillity and calm.

At this time the commander of our steamer, which was the *Panamá*, was that veteran of the Pacific Mail Steamship Company, Watkins, called commodore; and among the five hundred and ninety-four passengers were Mr Hutchins, Mrs Davenport, Gihon, Maguire, and others notable in the annals of California. Late in the afternoon of the 12th of March, the chain from the buoy was dropped, and clearing the islands, in an hour we came abreast of Taboga—to Panamá what Capri is to Naples, but more beautiful. Oranges and tamarinds fringe the beach; the glass-green foliage of cocoa and banana trees sweep from the valley up the hillsides a thousand feet. Then we sailed down past Bona and Otoque, rounded Punta Mala, some ninety miles southward from our anchorage, and were fairly out at sea, with the warm bay of Panamá, and its quaint, old, dreary town, wakened once a century

by a Pizarro, a Morgan, or an influx of Californian gold-seekers, far behind. That night a thunder shower attended us. There was no wind to speak of, only rain and lightning and cloud-ripping blasts—not the old-fashioned rolling artillery, and fire-lined, forked flashes of northern heavens, but sharp, angry, snappish blasts, an electrical whip-cracking, accompanied by torrents of light streaming from gulches sky-furrowed from horizon to zenith. For hours this luminous darkness hovered round our ship, between the extremes of alternate pitchy blackness and bright, glaring light. Toward morning all was still, and the sun rose on an ocean with a face as sweet and peaceful as the sleeping babe of Bethlehem.

Next day the *Panamá* sighted the promontory of Veraguas, a grand coast with grander mountains. Steaming lazily along through the quiet waters, like the chariot of Poseidon, attracting round us myriads of the monsters of the deep sporting and gamboling on every side, with the load of cares behind unburdened, and the load before us not yet put on, time and observation seemed to expand with the expanding sea. Gossips took heart; matrons smiled serenely; pater familias grew jocund; attention turned toward comfort, reading, and amusements. Gallants mixed huge pitchers of iced punch and therewith regaled the ladies. Gambling, which in the earlier voyages monopolized the saloon, had very rightly been prohibited on board the company's vessels; yet there was plenty of card-playing in the state-rooms, where the occupants could gamble to their heart's content, and lesser games obtained on capstan, bench, and skylight. Three evils the law seems powerless to control, gambling, drunkenness, and the social evil; which with like social phenomena seem to say that law, so far as possible, should let the individual alone, nor place its grasp upon him but to prevent his interference with the rights of others. Self-injury is a moral wrong touching which the law appears to be inoperative;

injury to another is a legal wrong whose proper province it is the law's to check. With diminished attempts at religious proselyting, a *laissez-faire* system in personal morals, and less political engineering, our civilization would speedily assume fairer and purer proportions. Let parents and teachers build up themselves and the young in the strength of personal responsibility and moral rectitude, for in no other way can certain evils be overcome; then we may leave law for thieves and murderers. On the steamer, bets were made on daily distances, on the time of arrival at any point, on the height or weight of any person or thing, on the time in which coat and boots could be taken off and put on, and on anything that happened to strike the fancy, however absurd.

During the long voyage there was ample time to take a survey of the past, to reckon accounts with providence, to apply the touchstone of experience to natural qualities; a farther vision opened to the eye, sight was not bounded by the horizon. The imprisoned traveller saw clearly back to his boyhood in a swift series of pictures like those which flash upon the brain of a drowning man; and when his thoughts were turned toward the future, it was with a clearer and more discriminating survey than any hitherto made.

In these early days of California voyaging, there were always two or three among the passengers who set up for geniuses, self-constituted court fools. Usually they were young men rustically or provincially bred, who were now for the first time absent from home, and who seemed to feel that the time and place had arrived in which their talents should unfold. They sought fame in various ways—by much and heavy walking about the ship, by scowling, by swaggering, by boisterous talking and coarse laughing, and by practical jokes played to the infinite disgust of their supposed admirers. Sometimes they were joined by brazen-faced or ambitious young women,

and sets would be formed which would vie with each other in rendering themselves disagreeably conspicuous.

To the refined and sensitive, such an infliction, from which there was no escape for days and weeks, was torture. Of all the miseries I ever experienced on shipboard, sea-sickness, tempest, filth, and fever included, by far the worst has been the crowd, among whom were always some supremely disgusting persons whose presence one could not escape. Many a hateful face haunted me long after I had left the ship. But such of course were exceptions; by far the greater part of the emigrants were quiet, orderly, and well behaved, and many of them courteous, gentlemanly, and self-sacrificing under the most trying circumstances.

To cite one example. When the steamer *Central America* went down off Cape Hatteras, with five or six hundred homeward bound Californians, it was the theme of thousands throughout christendom how nobly they behaved, how they chivalrously filled the boats with women and children, and then how bravely and unflinchingly they died. No company of courtiers, no band of martyrs, no regiment of soldiers trained to look indifferently on death, could have more calmly faced an awful fate than did these young and ardent adventurers picked from every nationality. They were men!

No man knows himself, much less his neighbor, until he has made a voyage in an over-crowded ship in hot weather. One is hungry without an appetite, oppressed with thirst that water will not quench; one is stimulated by ocean oxygen, nauseated by steamer smells; a prickly heat breaks out over the body, and the mind becomes feverish and fretful. Hence it is that latent characteristics, of which the possessor himself was not conscious, are developed. General traits are intensified or obliterated; the mean man becomes meaner, the hitherto good-hearted and frank may become angelic, or fall into the depths, according

to his moral anatomy or the chemistry of his composition, and the action of environment upon it all.

The prevailing winds along this coast are southerly during summer, and northerly during the winter months; so that after leaving Punta Mala our captain kept well in shore, which here is high, and bold, and covered with rich foliage down to the water's edge. Passing Punta Mariato our course was still due west, until we cleared the palm-covered island in the vicinity, uninhabited save by monkeys and birds of brilliant plumage, when we took a more northerly direction along the shores of Nueva Granada, Costa Rica, and Nicaragua, over whose lakes and rivers Gil Gonzalez and his crew crept so cautiously. The second day saw us off San Juan del Sur, where those who made the journey by way of Nicaragua took ship for San Francisco.

By the Nicaragua route passengers disembarked on the Atlantic side at San Juan del Norte, otherwise called Greytown. Stepping from the ocean steamer on board a steam river craft, they ascended the San Juan river to the Machuca Rapids, where they landed and walked a portage of about a mile, while the luggage was conveyed up the rapids in bongos manned by naked, long-haired, tawny natives. Above the Machuca rapids, smaller steamboats carried them to the Castillo rapids, where there was another portage of half a mile. Then taking another and a larger steamboat, they continued up the river to San Cárlos, crossed Lake Nicaragua to La Virgen, and thence proceeded overland by mules, or on foot, to San Juan del Sur on the Pacific, where they reëmbarked on board an ocean steamer for San Francisco. The whole distance is about 165 miles, though including the bends in the river it is oftener reckoned at more; 75 miles on the river, the same on the lake, and twelve or fifteen miles overland to the ocean. By the Panamá route, before the building of the rail-

way, about 70 miles were travelled in crossing. Though the distance from ocean to ocean was greater by the Nicaragua route, the land travel was less; and from New York to San Francisco, via Nicaragua, the whole distance was about 1,000 miles shorter than by way of Panamá. This was in later years—1855–57—the time of filibuster Walker's exploits, which I have fully narrated in another volume of this series. His ill-advised act of confiscating the transit company's river and lake steamers contributed to his ruin; for by stopping the further transit of passengers to and from California by this route, he deprived himself of the only means to swell his ranks—thinned daily by disease, desertion, and hostile bullets—with foreign recruits; superadded to which was the roused vengeance of the company, who furnished ample resources to his enemies to accomplish his destruction.

In the scenery, there is more variety and grandeur along the river and lake Nicaragua, than up the Chagres and across to Panamá. San Juan del Norte is an old Spanish town, consisting of about fifty bamboo and thatched houses, with some shingled tenements of later date, containing at the time of which I write an extremely mixed population of about five hundred. The town is situated in a small cove formed by a long narrow strip of land known as Punta Arenas, which from the steamer looks more like an island than a cape. The surrounding country is low and unhealthful, and the surface densely matted with tufted grass and undergrowth mingled with forests of smooth-barked vine-clad trees. Turkey-buzzards, alligators, and monkeys claim equal rights with mongrel men to the occupation and enjoyment of the country.

Though steam was employed in making the ascent of the San Juan, there was scarcely more comfort than in journeying on the Chagres. Small stern-wheel boats plied from rapid to rapid and across the lake; into them were driven promiscuously, men,

women, and children of all classes, black, white, and mulatto, and herded like cattle without privacy or restraint, without rooms or berths. Thus were the tired travellers kept for two or three days and as many sickening sleepless nights; the decent and refined portion continually hearing the vile language of the obscene and blasphemous.

Some there were, however, who could forget their discomforts, and lose themselves in the contemplation of nature's magnificence. Canopied by broad-topped trees, slender and white-limbed, with their bright foliage fluttering like spangles in the sunshine, by lofty palms whose tasselled branches bent gracefully over the banks down to the water's brim, passing Arcadian isles rich in tropical plants and perfumes, the frouzy boat with its confused cargo of panting gold-hunters, wound with the winding stream, round among snags, and shoals, and rapids, up and onward toward the empire of their gilded hopes.

Dark, deep-red lignum vitæ and caoutchouc, bananas and plantains with their long smooth leaves, and scattering sugar-cane with high tasselled crests, shelter lovingly the mammoth red and yellow flowers that fringe the stream. Thousands of black, brown, and gray monkeys hold their conventions on both sides of the river, and make their exhibitions on the trees, leaping from limb to limb and catching and swinging themselves violently, suspended by the tail, grinning and chattering, and screaming in jubilant mockery to the pitiful dirt-diggers, in whom they seem to recognize a degeneration of their own species. Surely they of the forest are fittest and will survive.

At an island eighteen miles from the bay, whose keeper had a small white neat board house and a garden, the steamboat stopped to wood.

Ascending the river, nature spreads out in broader and ever increasing sublimity. The foliage assumes statelier proportions; the forests are grander, and the mountains higher. Pendant from the limbs of tall

trees are long, leafless, rope-like vines, straight as a stretched line, or twisted and coiled, extending from tree to tree in graceful festoons. The sky seems literally a-thrill with birds of bright plumage and sweet song, of endless colors and species—conspicuous among which is the bright, crimson muca, with its long, fan-feathers tipped in black.

At Castillo rapid there is a town called Castillo, of about one hundred inhabitants, and standing on a hill near by an old ruined fort, which in its palmy days presented formidable opposition to unfriendly ascents of the river. Though built principally of brick and cement, there are sections of it in stone. In shape it is quadrangular, three stories, or sections, in height, with a broad flat top, and parapet six feet high, with embrasures on either side. Without, and also within the first section, are deep moats, and in the interior are dark vaults connected by narrow passages. There were several hotels at Castillo, and passengers sometimes rested there for the night.

Approaching the lakes, the flora dwindles to low bushy palms and short coarse grass. At San Cárlos, at the outlet of Lake Nicaragua, there is a dilapidated fort, similar to Fort Castillo, though less formidable. Between the fortress and the lake is a town of about twenty-five small thatched houses.

Lake Nicaragua presents a scene of rare sublimity. The oblong inland sea, a hundred miles and more in length by sixty miles in width, its waters isle-dotted and crystalline, basks under a tropical sky of livid purple tone, and from its swelling shores, hills and mountains lift themselves into mists thickened by smoking volcanic peaks. Rising from the very midst of the water is the slumbering volcano Ometepe, with its twin brother Madera, whose cone-shaped crests are four and five thousand feet above the surface of the lake, and whose circumference at the base is nearly forty miles. On its western shore is Virgin bay, a dirty little town with a dozen dirty little tav-

erns, where passengers feed, and swing their hammocks for the night. During the day one may bathe here in safety, as it is said the alligators frequent this portion of the lake only during the night. Very kind of the alligators.

Across the narrow strip of land, the only bar to uninterrupted water communication between the two oceans, travellers proceed on mules and donkeys, women riding some side-ways and some astride. The ride is delightful. Half the way the road is level and straight, covered by a dark forest so dense in places that there seems scarcely standing room for the trees; and the interstices are so filled with matted branches, leaves, coppice, parasites, and other vines, as in places to prevent the sun's rays from ever touching the ground. The remainder of the road winds through rolling hills, then scales a lofty mountain, and descends to the sea. Thirty board houses, shingled and painted, stretched along the shore of a small bay constitutes the town of San Juan del Sur, which seems to be a cross between Chagres and Aspinwall. As at Panamá, the shelving beach does not permit the small boats to approach nearer than about twenty-five yards from the water's edge, and passengers must be carried aboard on the backs of the boatmen. Here steamers anchor about one hundred and fifty yards from land.

A hundred miles north we pass Realejo, one of the coal stations of the Nicaraguan line. The harbor is a good one, being an indentation of the shore line with an island at the entrance. Three miles from the town, which consists of one-story tiled adobe houses, and contains a squalid population of about four hundred persons, a dock has been built, to which ocean vessels may be made fast.

Thus the Central American coast is passed; and thus racing with the sun, down toward the equator, and up toward the pole, round by the southern cross,

we work our way westward. To keep the time watches must be set back from five to twenty minutes daily. New pastimes are now sought out and new plays invented. Lovers whose acquaintance dates from the Atlantic steamer settle down to business; sighing to the monotonous oscillations of the engine-beam, watching the play of porpoises and the posing and circling of the light-winged sea-birds, sweltering fondly through the live-long day, fanning, sucking oranges, drinking iced punches, pretending to read; at sunset tracing weird pictures on the illuminated horizon, building fantastic castles and fitting to them the gorgeous tracery of the iridescent west, sailing on purple-misted lakes, and sitting by silver channels through which, round leaden rocks and black crags, the flowing foam dashes at their feet, billing and cooing beneath fleecy foliage tender with amethyst, beryl, and gold, filling the sky with yet other strange conceits, monsters, and birds, and elfin images, and fairy forms; and as the palpitating twilight quickly deepens, seek some quiet nook and gaze alternately at stars and eyes, and holding willing hands, trace the belt of Orion and draw pictures of earthly Edens.

Ah! those sunsets at sea! Of all the gorgeous displays of nature, nothing excels the rising and the setting of the sun upon a tropical sea. All day the benignant source of light pursues its tireless course, and as it sinks to rest, paints its good-night promise of return upon the cloudy canvas of the sky. Pausing on the ocean's brink, it turns, and flings back, in the plenitude of its power, a flood of colors which shames the puny efforts of art to imitate, and with its diverging rays metamorphoses the poised vapors into countless images, made real by the imagination of the observer. These vapors, beaten into being from the broad, watery expanse, rally from every quarter to curtain their author's decline, and catch the lustre of his departing glories. In this incomparable display of light, seen in its perfection only in the tropics, the

vital power of the sun is modified by the humidity of the air which it has called up during the day, and which tinges the celestial blue with dark azure, fills the heavens with delicate crimson and roseate tints, and turns the sky into gleaming gold. Solar fires are reflected upon the surface of the agitated waters, and all the west is red with slain sunlight.

The setting sun is almost always accompanied by clouds, which, owing to the curvature of the earth, though seemingly touching the water's edge, may be two miles above the ocean; they are formed sometimes of ice and snow, and serve as specula in the display of those prismatic colors which illumine them as they wreathe themselves into innumerable grotesque pictures of mountains, animals, cities, and every form of imagery of which the mind is capable of conceiving. Ranged in the direction of the wind, in parallel graduating series one above another, they sometimes overspread the whole azure background from horizon to zenith, and draw themselves out in long strips far away toward the dim, leaden east, each rank increasing in brilliance toward the west. They heap themselves in huge billows of roseate vapor, or in mountains of sombre gray fringed with coppery crimson, and then go chasing one another with endless evolutions and transformations along their blazoned course. Breaking into detached masses, they assume various forms, a grand old temple, with arches and columns, from whose holy of holies flames the fiery orb as from the veiled shekinah, bathing the ocean in a halo of glory; a castle crowning a rocky cliff, with turrets and battlements, with moat and walls and pennon-bearing tower; a magic city, with gardens, and palaces, and glittering domes and minarets; forms of cool, inviting groves, majestic forests, meadows, and grassy knolls; home scenes, the house, the barn, the table spread for tea, with the well-known forms of loved ones gathered round it; the fancy-pictured gold land, whither tends every thought, and of which all

have so often dreamed and romanced, the miner with uplifted pick, the camp, the burdened mule laboring up the steep ascent; forms of cascades of tumbling waters, illusive lakes reflecting on their limpid surface the inverted trees and mountains; of alligators, leagues long, with head and feet and outstretched tail; of elephants, hydras, sea-serpents, sphinxes, forms of anything and everything the heart can feel or the imagination pencil.

Like a gem embankment, meanwhile, the sky-wall glows in crimson beneath a brilliant arch of orange, and the frothy clouds toss themselves, and revel in their aërial sea of colors. Golden threads are spun and woven into a metallic web overlaying the deep vermilion sky, which beams through the interspaces, while from behind an opaque cloud broad diverging streams of transparent light are thrown over the scene like the radii of an enormous fan; then as the black obstruction melts to silver burnished by a flood of unobstructed white, suddenly the fan leaves turn to auroral streaks, and from some seemingly Protean pyrotechnic works under the sea's bank rainbows radiate outward and upward. On either side of the central display, beginning at the water's edge, deep crimson, through imperceptible transitions and gradations, turns to carmine, then to purple, and violet, and indigo, and finally into brown, while above and over all, northward and southward, over sea and clouds and sky, hangs a gauzy veil, in many several blending shades of softest tinted lilac.

At last, resting for a moment on the ocean's brink, with a plunge the sun goes down; and as the long, golden streamers reluctantly follow, and while the western sky yet glows as from hidden furnace fires, from the gray east, silently and unobserved, the moon creeps up, coquetting with the clouds, and seemingly bashful of her more tender light, and fearful of obtruding her soft, silvery presence upon the more brilliant efforts of her consort, throws a smile of quiet

dignity upon the dancing waters, whose undulations transform her wake from a steady stream of molten metal to broken bars, as of a shining ladder leading heavenward. Therewith she pursues her modest way.

The rising sun—paling the glories of the southern cross, and as enchanting as the sunset but for the absence of evening vapors—few lovers see. Those to whom the sweet joys of courtship are denied, the married, and the hopelessly incorrigable, seek other pastimes. Amateur theatricals and sham trials are instituted, in which no small amount of talent and wit are often displayed; stories are told; politics, science, and religion discussed, and home, and California, and gold-getting talked about Some western adventurer holds breathless a crowd of listeners while he spins a yarn of thrilling deeds among the savages, and of hair-breadth escapes; then another undertakes to cap the story by improvising a more startling one, and so the fun goes on. The 4th of July, Washington's birthday, and Christmas were usually observed; on Saint Valentine's day a post-office would be opened, where a list of names was posted, and missives dealt to merry recipients. Some endeavored to sketch the coast as they sailed by it, others to cut its outline from paper.

Suddenly the steam-whistle, with a long shrill blast, sounds the alarm of fire, and the terrible cry is taken up and thrown from one to another until it reaches the uttermost parts of the ship. Pale faces flit to and fro, and trembling knees stagger no whither. For a moment all is hubbub and confusion; but soon every man is at his post; the hose is uncoiled, the water is turned on, the decks are flooded, the life-boats are made ready and the life-preservers dragged out. Some stand by, ready to lower the boats, and others with pistols and cutlasses place themselves on guard prepared to strike down any who should attempt to jump into them without leave; others with uplifted axes seek the thrice dreaded foe

to cut away the planks on which it feeds. Some pump, some look after the women and children, some secure their treasures, some unhinge their state-room door preparatory to a plunge, and finally the heroic imperiled—laugh and disperse. It was the custom for one of the officers to organize certain of the passengers into a fire brigade, allotting each his respective station and duty; when the rôles had been given, and the line of action once or twice explained, every few days thereafter the fire alarm was struck, and each sprung to his post. The benefit of this exercise was three-fold: first it promoted safety by adding to the corps of workers, secondly it tended to allay fear should there be a real alarm, and thirdly it afforded amusement.

Evening bestows by far the most delightful hours of the tropical twenty-four. Then the awning is rolled up, the suffocating breath of day hies westward after the sun, and the fresh cooling air, welcome as water to the parched tongue, falls on the face like a benediction. The firmament is dense with stars, gathering lustre with the growing night, and lining the great concave from horizon to horizon like a canopy of transient azure thick-studded with blazing gems. The ship's wake, which during the day is changingly tri-colored—upon a ground-work of deep blue, mottled cloud of bright green, frosted with pearly froth, and burnished and spangled by the sun's rays—is now luminous with phosphorescent fire. This is the romance of sea-voyaging, the poetry of travel.

Occasionally the engine is stopped to repair a valve, to renew the wadding of the piston, or to put in a new beam—by which delay we may imagine what it is to be becalmed at sea, to lay lolling like a spirit newly disembodied, poised in space before setting out on its career, dead and conscious of it. But such detentions are usually short, and soon we were on our way again. Church service was usually held on Sundays; if a clergyman was on board he would some-

times preach, if not, the purser would read the Episcopal service. Every few days, after the waiter had put the rooms in order, the captain and steward made a tour of inspection, looking into each room as they passed by, while the waiter followed in the rear. The kitchen of a Rotterdam housewife is not more brightly polished than the cook's galley on inspection days. Lighted up at night, to one viewing it from a distance. the steamer looked like a fairy floating palace.

Some few were suffering from Panamá fever, and one poor fellow, a young man in the second cabin, died. It is a sad sight, a burial at sea; sad in its monitions, and sad in its suggestive retrospections; sad in its summoned thoughts of hopes cut off, of riven hearts and wailing homes. The body was sewed up in a canvas shroud, and a shot and some pigiron attached to the feet; it was then placed upon a plank, one end of which was extended over the ship's side; the steamer was stopped for a moment, a prayer was read, the signal given, and the body slid off into its liquid grave.

Skirting the low, abruptly changing shores of Guatemala, its huge volcanic mountains are seen in dim outline rising from the plain of foliage to a height of thirteen and fourteen thousand feet, with their graceful cones seemingly smoking within a veil of mist. Here we met the steamer with eastward bound passengers. The ship's officers were looking for her. At first nothing was seen but a column of black smoke rising from below the horizon, then the smoke-pipe, and beneath it an ink-spot not larger than a pea-pod, which stood for the hull. This black spot gradually enlarged and assumed shape, until it loomed high upon the water, a bellowing monster flaunting its finery not a hundred yards from us, with its decks crowded with men and women waving hats and handkerchiefs. Guns were fired, and a boat lowered to make the exchanges. There is much that is grand and impressive

in such a meeting; nowhere does an ocean steamer seem to sit so proudly, or lord it so loftily as when seen from another steamer at sea. You wonder if your ship is as large and as powerful as that.

Crossing the gulf of Tehuantepec we enter upon the hottest part of our journey. Those of us who had dreamed of tropical glories, and the sensuousness and dolce far niente of a shadeless meridian sun had, ere this, had our fill, and we could take no further pleasure in them. The apathy of overpowering languor, the curse satiety, fell upon us; the Mexican coast, along which we now sailed, panted beneath the heat; its air was like the breath of a great beast, threatening suffocation.

Came in sight the open green sierras of Mexico, then the harbor of Acapulco where the steamer victualled. Ninety miles from shore, above Punta Sacrificios, the Mexican table-land is seen across the tierra caliente as if near at hand. The grandeur of the mountains which rise to a height of eight or ten thousand feet, calls from voyagers many an exclamation of surprise and admiration. The white sandy beach seems eternal to those watching for the entrance to Acapulco harbor—a useless watch, for when the ship heads directly for the land, you see nothing but a bold, continuous coast line. Even after passing the island of Roquetta on the left, and a bluff headland on the right, you wonder where the anchorage is. A little farther, however, and you see some shipping, and beyond it the fort, and then the town, awakened to traffic by the reverberations of the ship's gun, which sends its peals echoing among the lofty hills as the vessel is made fast to the buoy. Now glance around and you will see neither place of exit nor ocean, but what might easily be taken for a highland lake. Deep, round, almost smothered in foliage, and nestling at the feet of high mountains, the effect is most picturesque. On the left of the island as you go in, there

is another entrance, which, though deep enough, is too narrow for safety.

This port, the best on the western coast of Mexico, and the half-way station between Panamá and San Francisco, can safely harbor five hundred ships. It is part of an immense basin cut in granite rocks—a coarse-grained granite like that of Fichtelberg and Carlsbad, toothed and rent like the Catalonian Mountserrat. Its shores are so steep that vessels can lie almost under the chaparral that overhangs its banks. Surrounded by mountains rising on every side from six hundred to three thousand feet, the listless ocean air seems inadequate to drive out the pent-up exhalations from an undrained swamp filled with decaying vegetable matter; and the town, which has the name of being the hottest place on the route, is considered quite unhealthy. For weeks the thermometer stands at 120° in the shade at mid-day. In early days a gap was cut in the hills to admit a current of air; it was also used as a roadway, and the great gash is pointed to travellers as a specimen of Spanish energy and capability in the olden time. On a strip of soft white sand encircling the bay grow cocoa-palms, their long green arms and smooth stems bending with fruit; and the amata, or tree of love, offers its umbrella form and magnetic influence to all who choose to avail themselves of its ravishing shade.

Time was when this port was more famous throughout the world than that of New York, or any other along the border of the firm land of America, if we except Vera Cruz and Panamá. Under Spanish rule, it lay in the line of travel from the Philippine islands across Mexico to Vera Cruz, over which route annual caravans of loaded mules carried the wares of China, Japan, and the Spice Islands, thence shipped to Spain. Enjoying a monopoly of the Manila trade, it was frequented by galleons which annually dispensed their rich cargoes to merchants who flocked down from the capital to make their purchases, and who at the same

time held a fair for the disposal of the products of the country. The distance to Mexico is about one hundred leagues, travelled only by pack-mules and saddle animals. The road is bad, but is less frequented by bandits than that from Mazatlan to Mexico. There is no wagon road leading from the town in any direction, the same winding paths and the same means of conveyance over them being employed now that obtained in the days of Cortés.

The city that once boasted a busy population of fifteen thousand is now reduced to a lifeless, inert town of three thousand. The population is heterogeneous, but the business is mostly in the hands of Americans and Europeans. Round a large plaza, where groups of animated traders, cock-fighters, and gamblers are often seen, and on the narrow, irregular streets leading from it are situated low but substantial houses of tiled adobe, stone, and wood, roofed with palm-leaves, and before which run verandas for protection from sun and rain. The shops, cafés, and most of the dwellings are dazzlingly white-washed, and the interior neat and orderly. The tumbling walls of tenements long unoccupied, give the appearance of general decadence to the place. The castle of San Diego, standing on an eminence east of the town, is the chief defence, though I have seen guns planted on the island at the entrance of the harbor. A plain church stands on the plaza, the interior of which is decorated on fête days with palm-leaves and flowers. Pendent from the ceiling was a miniature ship to assist the devotions of sailors.

It was half past eight o'clock on the evening of March 19th when the *Panamá* fired her gun in Acapulco bay, and there we remained until noon next day. Scarcely does the steamer come to anchor before it is surrounded by canoes laden with fruit, which come swarming from various parts of the shore, and naked swimmers ready to begin their aquatic gymnastics for a consideration. The boats contain oranges, limes, bananas, pine-apples, cocoa-nuts, bread, cakes, and

shell-work, and are often paddled by a woman with a cigar in her mouth, while a man or boy attends the floating shop. Traffic is conducted in this wise: Ranging themselves along both sides of the steamer the dark-visaged venders lift up their eyes and voices to those above inviting trade. Armed with a basket or mat bag, to which is attached one end of a long line, they throw the other end up over the guard. Whoever wishes to make a purchase takes the line, draws up the basket, and puts into it a piece of money. Then lowering it to the boat and intimating what is wanted, the seller takes the money and puts in the basket its equivalent in wares which are then drawn up on board by the purchaser. Tired of this you may amuse yourself by throwing dimes or quarters overboard, and watching the naked tawny-skinned urchins; who float about the ship as in their natural element, dive and scramble down into the transparent water ten or twenty feet, and come up porpoise-like, puffing and blowing the water out of their heads, with the glittering coin between thumb and finger. Seldom or never do they fail catching it before it sinks very far, and holding it up to view for a moment they throw it into their mouths and watch for more. These boys will thus remain in the water for hours without any support save that which a slow fin-like motion of arms and legs gives them, and despite the sharks to which one of them is now and then sacrificed. To him who has made the voyage, the bare mention of these little incidents will call up a thousand associations which will enable him in some degree to live again the time that formed so important an epoch in the life of every Californian.

While the steamer is taking in coals, cattle, fowls fruit, and water, which occupies several hours, you may if you like go ashore in a boat and visit the town, less than a mile distant, in a recess of the bay. Near the landing, and on the shady side of the plaza, you will find spread out on tables and on the ground

fruit and fancy shell-work which you are solicited to purchase by girls and women. As you walk along, a charming pensive-eyed señorita throws over your head a necklace, at the same time saying, it is a present, but should you let it remain you will not have gone far before the coffee-colored beauty turns up and desires a present in return. A fine dinner used to be served by a female French restaurateur, a noted cook and virago. At night, in the absence of the moon, the town is lighted by lanterns hung out at the doors. Contentment and happiness reign; the women, some of them quite beautiful, gather fruit, and make and sell shell-work; men lounge in shady nooks, smoke, and sip aguardiente, and naked children suck oranges, munch bananas, and roll in the dirt. The fort, once effective as a means of defence, is solid and substantial still, though it would afford little protection against a modern monitor. It is usually garrisoned by one or two companies of ragged barefooted soldiers with heterogenous uniforms and almost worthless arms. In a clear mountain stream back of the town there is delightful bathing, but the señoritas that stand on the bank, towel in hand, awaiting you, make it an awkard position for a modest man to be placed in. Occasionally a severe earthquake assists time in demolishing buildings.

Fifty miles below Acapulco, on the night of the 27th of February, the steamer *North America*, Captain Blethen, was stranded on the beach. The passengers were all saved, and most of them had reached Acapulco previous to our arrival. Seven hundred dollars had been contributed for their relief by the passengers of the *Tennessee*, which entered the port of Acapulco on the 4th of March, bound upward. The *North America* was the best steamer in the Nicaragua line, and next to the *Golden Gate* the fastest vessel on the Pacific. As a matter of course, the captain was greatly blamed for the accident, some charging him with culpable negligence, others with ignorance of the

coast, and others with intentionally running his ship ashore. All the upward bound steamers were crowded, and were unable to take on board the shipwrecked passengers. C. J. Dempster, J. B. Crockett, J. McDougal and wife, and thirty-four others, men, women, and children, succeeded in securing passage by the *Panamá;* the rest were obliged to wait until a vessel could be sent them. There were in all about eight hundred, passengers and crew. Four hundred had taken passage in sailing vessels and steamers for San Francisco; the others were in a destitute condition, and subsisted on contributions. There was much suffering among the women and children during their march through an inhospitable country, and while at Acapulco there was much sickness and several deaths. After some delay, the clipper ship *Northern Light* was sent by Mr Vandewater, agent for the company at San Francisco, to their relief. Stockton made a movement in their aid, and Mayor Harris of San Francisco called a meeting on the 29th of March—rather late, one would think, but better than never—to devise measures to render them assistance. Many were inclined to censure the company for their dilatoriness in despatching them conveyance to San Francisco. One hundred and twenty thousand dollars, it was stated, had been paid by the *North America's* passengers; through no fault of theirs, they had been thrown on a foreign and unhealthy shore, and now the company were loth to spend a few thousand dollars to save their lives.

Next day we were at sea again, carrying with us, as it would seem, half the inhabitants of the ocean. Myriads of flying-fish skim over the smooth sea, flashing their silver tinted wings as they skip from wave to wave, or break cover and fly away. Sharks dart by, leaving, if it be night, a phosphorescent wake, broken and luminous like fiery serpents; porpoises and dolphins leap and gallop along, and play about the ship, following in its wake, or trying the metal

of their heads against that of the cutwater. Here a large turtle is seen floating in the water, yonder a huge, snorting blackfish goes plunging by, and over beyond a whale up-blowing his waterspout. Sea-birds circling and swooping hither and thither watch the ship's wake for their breakfast.

There are three Mexican ports between Acapulco and the gulf of California at which the Panamá steamers sometimes touch, Manzanillo, some four hundred miles north of Acapulco, San Blas, about a hundred and fifty miles above Manzanillo, and Mazatlan, opposite Cape St Lucas, a hundred miles or so above San Blas. Manzanillo is a hamlet of perhaps three hundred severally tinted inhabitants, the sea-port of Colíma, a fine city about seventy-five miles inland. On a clear day is seen the volcano of Colíma, the monarch spit-fire of the coast, whose crest, thirteen thousand feet in height, is nearly always covered with snow. Leaving Las Tres Marías island on the left, we approach the lofty mountains bounding the roadstead of San Blas. The ship anchors some distance from the town, which consists of three or four hundred adobe and rudely thatched palmetto-roofed houses, situated along narrow irregular sandy streets, and a dilapidated fort standing on a high rock behind it. The picturesque port of Mazatlan is protected from the otherwise unbroken swells of the ocean by a chain of rocks, or surf-scarred islands, against and between which the sea dashes into foam. The anchorage within is safe, except from southeast gales. On approaching the harbor, the entrance, scarred and hewn in the dark red cliffs, opens to view, and across the green transparent water shines the city like a white picture, with a dim background of mountain blue. Mazatlan is the most important Mexican sea-port on the Pacific, and displays unmistakable evidence of commercial activity and thrift. The population is 12,000 or 15,000, the climate healthy, the houses sub-

stantial, and coated with dazzling white or straw color, and the streets clean.

Crossing the gulf and continuing our course, on the 27th we meet the steamer *New Orleans* bound south. Past the surge-smoothed granite columns, caverned rocks, and high white beach of Cape St Lucas, and out of the intertropical regions, and the temperature changes; particularly in summer, when the traveller leaves the warm southerly winds of the Central American and Mexican coasts for the cool bracing northwesters and chilly fogs of California. And with the climate scenery changes, and desolation now marks the border of our way, hitherto robed in redundant vegetation. The forest-clad Cordilleras of Mexico disappear and the treeless hills of the peninsula come in view. Approaching the colder regions, the albatross turns back and we are met by myriads of Mother Carey's chickens, and graceful gulls which follow the ship for hundreds of miles. The southern cross dips lower and lower until it finally disappears, and the north star rises each night higher above the horizon. Drooping spirits revive. White linens and blue flannels are packed away, and winter woolens and thick clothing substituted.

The coast of Lower California as seen from the steamer, presents a series of openings and headlands, with now and then volcanic mountains, and unbroken plains of vast extent, reaching far into the interior, all basking beneath a fervent sky. In places are rocky steeps over which are scattered a few cacti and some distorted shrubs, with more robust vegetation back of all, and now and then a fertile-looking valley running inland. The islands of Santa Margarita and Cerros lying near the mainland present rather an uninviting appearance. The country, however, is more attractive on nearer acquaintance.

And now our eager eyes catch the half-transparent hills of Alta California, but before we fairly reach

them we turn and enter and come to anchor in the bay of San Diego at 9 o'clock in the morning of the 27th. Next to San Francisco bay this is the best harbor on the coast, and the climate is unsurpassed by any spot upon the globe. With an even temperature throughout the year, and its soft seductive atmosphere tinctured with animating ocean oxygen, it offers all the charms of south and north combined. On the northern shore of the bay near the entrance sits the old town, its tiled adobes sprinkled with more modern wooden houses, behind which are some bluff heights, and on one of them, overlooking the town, was formerly planted the presidio, while the mission was placed some five miles distant up the river. The opposite shore of the bay is a low narrow sandy strip, forming a natural and effectual breakwater. Our purpose in stopping here was to obtain coals, but as none were to be had our captain was obliged to content himself with wood.

About noon the steamer *Fremont*, with 230 passengers, likewise northward bound, entered San Diego bay. At half-past seven that evening the *Panamá* weighed anchor and steamed out to sea, the *Fremont* following shortly after. A very heavy gale from the westward had been brewing for us, and that night we sailed into it. For the season, the locality, and with the steamer's lack of fuel, it was a terrific affair.

I may safely say it was one of the severest storms I ever encountered. By it was clearly evidenced that though our ocean is called pacific, and usually wears a serene and smiling face, if thwarted, it can rage right royally. Most of the passengers had retired for the night, but as the wind rose into a gale a few of us dressed and went out. It was thoroughly what the sailors call a nasty night,—black as pitch, and the excited sea luminous with angry fire, like the accursed lake of apocalyptic vision Its torn surface was laid out in furrows, and clouds of foam were driven by the wind across the deck. Rearing and plunging like

a prairie bison, the ship's bow pointed now upward toward the sky, now downward into the depths. Responsive to the shrieking blast the phosphorescent waves reared their crests on high, clashed one against another, and breaking into foam shot brilliant streams of spray into the black air, like flashes of light from a luminous snowdrift. Fearing to be driven to destruction before the wind, the steamer's bow was pointed athwart the waves, and there in the teeth of the storm the utmost efforts were made to prevent her being caught and overturned in the trough of the sea.

Returning to my berth, and bracing myself and holding on, I lay listening to the creaking timbers and straining joints, to the thud and rattle of the waters against the ship's planks, to the crashing of glass and crockery, and the clatter and bang of loose furniture and baggage, sent hither and thither by every lurch of the struggling ship, to the shouts of sailors, and the mingled moans and blasphemies of passengers; watching through the slow hours for day, listening for some break in the beating machinery which should leave us at the mercy of the waves, wondering if ever I should see the firm and beauteous earth again.

Dawn brought only increased fury to the storm. No tables could be set that day; indeed, there was little thought of eating, for long before the tempest had spent itself the ship was despaired of, and such passengers as were out of bed were beaten about like footballs. All loose canvas was torn to shreds, and boats were splintered and sent flying from their fastenings Clothes went a drift without their owners, and half-dressed men and women staggered about in dismay and confusion. Heavy seas were shipped in rapid succession; the wind and waves swept over the deck in a hurricane, and to add to our distress the ship, though comparatively new, had parted her seams, and was leaking badly, so that all the pumps

could scarcely keep the water out. The vessel rolled until the deck could be seen by the monsters at the bottom of watery gulches, and as she went down on her beam ends, seamen clung to the rigging for their lives.

Out upon the brine was one of the grandest sights I ever beheld. Gradually and steadily the wind had increased until the uplifted sea, in wrath long nursed for worthy occasions, shook itself in its mighty unrest; then rushing upon us with a howl, the storm culminated in a frenzy of fury. Looking away toward the west under the sullen sky and swiftly flying clouds, looking quickly while the ship momentarily balanced herself on some foaming crest high in air, looking far away, as far as the eye could reach, to where the low scowling heavens and ocean met, where air and water whipped themselves together and sea and sky were one, and I saw as from some high sierra a succession of rolling ridges, glassy gulches, and splashing cliffs. Hitherward they came, born, perhaps, hundreds of miles away, with thousands rushing after them, roaring loud-mouthed and wrathful as if to overwhelm us. The little ship on which I stood was no more to them than a buzzing fly to a whirlwind. Then we plunged headlong down into the deep smooth-bottomed cañon, and looking upward, beheld on either side a writhing molten mountain, with trembling dome and glistening pinnacle, with serried summit cream-crested and festooned, and almost perpendicular black-green walls streaked with stringy foam, while the yet more impatient avalanche leaped the abyss, or fell with a crash upon the laboring ship below. Once more uplifted, I looked again upon the battle of the wind and waves —tall waves, beautiful in their ever varying colors, now rising into mountains, now melting into plains, then turning, surge meeting surge in foaming counterdance; and now comes the wind, chasing the whistling brine swifter than Diana's dart, and seizing the

chafing main beats down its wild roaring breakers, holds the crushed waves in fierce embrace while yet other howling gusts sweep over them, then relaxing, stirs up the levelled surface, smites the struggling streams into dust, and breaks the liberated waves into fragments swirled off in surge-flakes into the leaden air.

As I have before remarked, the petty annoyances of travel try temper and discover the varying play of light and shade in character. Now a storm at sea tries men's souls, and discovers to each the measure of his manhood, of his faith, of his courage and callousness; discovers to him the realities of his religion, if he has any, the poverty of his hopes if he has none. And like all phenomena throughout the realm of nature, there are no two human characters alike, and no two manifestations exactly similar under the influence of fear. In this instance, throughout the night, and during the greater part of the day, some slept and snored on, others lay awake in their berths, mute, and apparently indifferent, others, greatly frightened, clutched their beds and groaned. Some, throwing themselves upon their knees, poured forth petitions to unseen powers, now in dismal howls and now in intelligible prayer; others were so smitten with coward fear, so hopeless and helpless, as scarcely to know what they did, and mingling incoherent oaths and exclamations with their pitiful cries, they looked at each other and shuddered, clasped hands convulsively, gazed beseechingly upon the merciless ocean, and let fly their thoughts back to the home they had left and forward to the California their hopes had aspired to, and which now seemed a million of leagues away.

Not only did the storm severely tax the strength of the ship, but it made such inroads upon the scanty fuel that there was great danger of our being left exposed powerless to the fury of the waves. Our captain therefore about noon this day, which was the 28th of March, came to anchor under the lea of

a low island, and after there waiting the subsidence of the wind for over six hours was obliged to steam up again as the vessel dragged her anchor badly.

And as the day wearily wasted itself and another night came on with some abatement of the storm, the lowering sky still rested on the unquiet ocean. Once more nothing can be seen; you hear the rioting winds, the din and roar of raging waters; you feel the darkness and the trembling of the frightened ship as lashed by breakers and struck by solid surges it rises and falls to the rolling of the waves; and every sinking is as the sinking into the grave, every booming wave that strikes upon the deck is like falling clods upon the coffin.

Next morning our Pacific was all over her passion, though her bosom yet heaved somewhat, and the sun came out and smiled upon the sea and changed the black hills off our larboard bow into hazy purple. From the ocean the Coast Range looks like a compact rugged barren sea wall, forest-tufted at the top and seamed and furrowed with innumerable ravines. Yet though seemingly so near, between these mountains and the sea is a belt of fertile land, from one to twenty miles in width, which is the garden spot, the Italy, it is sometimes called, of California. It was along this enchanting shore, between the bays of San Diego and San Francisco, that the Franciscan fathers planted their line of missions, which achievement and their subsequent doings, may be classed among the wonders of the world. At this time were seen herds of cattle and horses running over hills brown and dry in summer but now enrobed in emerald, and here and there the bell-towers of a mission church appeared rising from the shelf of a ravine.

With Santa Bárbara islands and Point Concepcion behind us, at half-past five in the afternoon of the 30th we met the steamer *Ohio* bound down. Again we are obliged to seek fuel, this time at Monterey,

the sometime famous capital of California, which point we reached at nine o'clock that night. A shelving point, Pinos by name, green with waving pines and terminating in black rocks, marks the approach to Monterey bight, an indentation of the coast, scarcely to be called a harbor, yet generally safe for shipping. Rising behind a town of five hundred inhabitants, of spacious well-built tiled adobes, intermixed with dwellings of wood, with government buildings, and a fort on an eminence near the water, is an amphitheatre of wooded hills glowing like an illuminated panorama in the warm hazy air—the whole forming as lovely and picturesque a scene as the sun shines on.

Throughout the next day all hands were busy chopping and taking in wood. Setting sail at half past nine we prepared with some nervous *gaiété de cœur* for the last night, that most joyous of all nights on shipboard. By daylight next morning, which was the 1st of April, 1852, the bold rugged cliffs of points Lobos and Bonito are in full view, the lonely Farallones stand sentinel on our left, while northward in the direction of Point Reyes stretch the high rocky galleries of the coast which bound the sea to its very edge.

Slow? The sluggish boat seems scarcely to move! The lazy wheels slap the water in aggravating dormancy, and between each step of the walking-beam you may count a month. By far the longest hour upon the route is that when, with adjusted rigging and slushed masts and feed waiter and luggage ready, we watch with feverish impatience the slowly lessening distance between us and the headlands. It was in order, the day before this last, for the captain's favorites to prepare a fulsome testimonial for gentlemanly conduct and able seamanship, to be published in the daily journals on landing; while those who fancied themselves to have been ill used might change their muttering curses into bold charges, and talk

loudly of bringing a suit at law for damages sustained by skin and liver during the voyage.

At last, with all on deck in a flutter of excitement, the ship's stern turns squarely on China, the bow seeks admission to the split shore, and rolling over the chopping bar between the high bluff-bound portals of the Golden Gate we enter San Francisco bay, glide along in its smooth waters past Angel island and Alcatraz, when—bang! goes the gun; the startled ladies scream, then simper, and as the smoke rolls up and the report reverberates round North point, over the gashed hills and through the streets which appear to rise almost perpendicularly from the water's edge, through scattering brown houses and yellow sand, now quiescent under a pale blue-gray misty veil of torn gauze, cheers from the crowd upon the shore come to us over the water, and handkerchiefs wave, and boats come alongside—then we move slowly forward to the wharf, and our journey is done.

Out of the piercing chilly air into the soft warm haze of a glowing San Francisco morning, off from the never quiet decks with their nauseating smells, away from the tables with their tasteless food, from cockroached cabins, and the din and clatter of gong and dishes, on to the firm ground again, and into a bath and clean linen, and invited by an appetizing breakfast; away from the horrible faces by which we have so long been haunted, from foul-mouthed swearers, and coarse jesters, and selfish, craven, well-nigh soulless men and women, from surly officers, and crying babies, and whining mothers, and cross fathers; out and off, and away from them all forever!

But what a scattering of them there will be on the morrow; to the north and to the south, each to his cart-driving, or banking, or digging, or begging a situation; what variety of schemes and occupations in those so lately close-united in common hopes and peril during their thirty-days' voyage! Well, let them scatter. The bond of quasi-equality accidentally

made is forever broken; now money, not steam and iron and plank, is God.

Ashore! Never have I experienced greater physical pleasure than in the first hour ashore from a long and tedious voyage. Every pore of my senses drinks satisfaction; head and heart and heels unite in speaking their content; it is like an escape from prison or a release from purgatory. So am I in California, the lovely, the golden-dreamed, the wonderful! Looking over the water toward the east, I see through the subtle violet haze, the land before me like a land of promise; mountain, vale, and bay glimmering in a flood of saffron sunlight, zoned and studded with bright emerald hills—gold and green, significant of the royal metal in its veins, and the elements of the rich harvest hidden in its breast.

CHAPTER IX.

EL DORADO.

Inveteracet hoc quoque; et quod hodie exemplis tuemur, inter exempla erit.

—*Tacitus.*

So they called the country El Dorado, The Gilded; some of them so called it not knowing why; the name even fastening itself upon a political division of the state.

Some of them knew that since the coming of the Spaniards, when Vasco Nuñez hunted for the golden temple of Dabaiba, and Juan Ponce de Leon searched for a fountain of perpetual youth, and Cortés freighted treasure ships from Mexico, and Pizarro from Peru, down to the silvery days of stock gambling, and the cold dull tyranny of railroad management, there has ever been in the minds of the greedy, somewhere a region ruled by El Dorado, or rather a place called El Dorado, or The Gilded. It was not necessary the gilt should be gold, or even that there should be gilding at all; indeed, the thing was rather of the Jack-a lantern order, or like the crock of gold at the end of the rainbow, when ready to put your hand upon it, it was not there.

The true, or original El Dorado—that is, true so far as any aborginal or other mythology can be woven into sober story—was in South America, where, as some say, the micaceous quartz in the Essequibo valley, in Guiana, gilded the land. Or it may have been because the high priest of Bogotá sprinkled his person

with gold dust, thus originating the idea of a gilded humanity, that people came to think of the country as gilded.

The high priest, El Dorado, the lord of this magnificence—for chief and country generally bore the same name—was every day annointed with perfumed gum and bathed in gold-dust, so that his whole body glittered like the sun. His moving was as the moving of a golden statue, and his breathing was as of sublimated diamonds. Incredible it would ever seem, were not the truth verified by many witnesses, how long, and earnestly, and honestly men pretending to sanity sought this myth. Beginning with Sebastian de Belalcázar in 1535, and Gonzalo Pizarro in 1539, the valley of Dorado was the object of search by various expeditions fitted out from Peru, Quito, Brazil, New Grenada, and the Rio de la Plata, the infatuation continuing down to as late a period, in one instance at least, as 1775.

Coming to more definite statements, we know that a Spaniard named Martinez reported that having been adrift at sea he was thrown on the coast of Guiana, and taken to Manoa, the capital of the king of that region, who was an ally of the incas of Peru, that the roof and walls of the city, wherein he had resided seven months, were covered with the precious metals. Orellana, a lieutenant of Pizarro, who visited the valley of the Amazonas, 1540–1, spoke of a region where gold and silver abounded to a fabulous extent. He reported to have been in Manoa, and to have seen the immense treasures. Van Hutten, who commanded an expedition from Coro, on the coast of Venezuela, 1541–5, thought that he had caught a glimpse of the golden city, in search of which he had started. Several expeditions undertaken to reach the mythical region failed, notably one in 1560 under Gonzalo Ximenez de Quesada from Bogotá. The fable has occupied men's minds, among others leading to results that of Sir Walter Raleigh, who undertook to find

the country in his expeditions to Guiana in 1595 and 1617. On all maps were to be seen traces of the pseudo discoveries of Martinez and others. There was one map, made much of by Raleigh, showing the capital of the golden kingdom, along the streets of which were no less than 3000 workers in precious metals, the sidewalks being flagged with the yellow kind, and the wagon way cobbled with the white kind; for at hand were situate a hill of gold, a hill of silver, and a hill of salt. I cannot speak of the royal palace of snow-white marble with pillars of porphyry and alabaster, all encircled by galleries of curiously wrought cedar and ebony, for description here is beyond the power of tongue or pen.

The *Diccionario Historico*, a Spanish translation of Moreri's French cyclopedia with valuable additions by Miravel, published in 1753, speaks of the province of El Dorado, as situated between the rivers Orinoco and Amazonas, containing the great lake Parimo, and a great city on its western shore, with mines of gold in great quantities; but adds that "todo lo dicho està encantado," and that all search for the same had thus far proved to be only "buenos desseos de los españoles." Humboldt proved that the lake was almost as fabulous as the city of Manoa.

Now, if in California we had not then the gilded king, and were obliged to be content with only a gilded country, we have had since then more of gilded humanity than ever the Essequibo valley could boast. And the coat of gilt has been getting thicker and thicker on many of them, until there is an inch thick coating of metal of some kind, base or otherwise; silver, gold, or brass, some being, indeed, all a casting, blood and bone, heart and brain, all cold dull earth, and nothing else. More than once we have thought to discover the veritable cave of Mammon, where dwelt the money-god himself.

After all, with such examples before us as the tulip mania, the South Sea bubble, the Mississippi bubble,

what may we not look for in the book of human follies?

The miseries of a miner might fill a chapter of woes. Digging and delving with eager anxiety day after day, up to the waist in water, exposed now to the rays of the burning sun, and now to cold, pitiless rains, with liberal potations of whiskey during the day, and mad carousals at night, flush with great buckskin bags of gold-dust, or toiling throughout the long summer without a dollar, indebted to the butcher, baker, and grocer, heart and brain throbbing and bounding with success, or prostrate under accumulated disappointments, it was more than a man with even an iron frame could endure. When disease made him its prey, there was no gentle hand to minister to his wants, no soft voice to whisper words of love and comfort, no woman's heart on which to rest his aching head. Lying on the hard earth, or rolling in feverish agony on the shelf-bed of his cabin, often alone and unattended throughout the livelong day, while the night was made hideous by the shouts and curses of rioters, the dying miner, with thoughts of home, of parents, wife, and sister, and curses on his folly, passed away. That was the last of him in this world, nameless, graveless, never heard from! Meanwhile, and for years after, those he left at the old home despairingly dwell upon his fate. Such cases were sad enough, but there were others still more melancholy. The patient, devoted wife, waiting and watching for the husband's return, toiling early and late for the support of their children, ever faithful, ever having him in her thoughts, and so passing her life away, until hope became charred and black, while the object of all this love, of this devotion, was, maybe, spending his substance with harlots, writhing under the delirium of drunkenness, without at any time bestowing even a thought upon that devoted wife and those abandoned children.

Not one, nor ten, but thousands, have thus lived and died. The disappointed miner would not write until he had something pleasing to communicate; the successful one preferred to carry home his own good news to sending it in a letter, which he did or did not; and thus many a poor heart at home ached on to the end. Some, and as a rule, the most pusillanimous, crept back, spectre-like, to their old homes, broken in body and spirit; some few returned in health, successful, and joyous; but by far the greater number, heart-broken and remorseful, laid their bones along the disturbed water-courses, on the cañon sides, in upturned gulches, or scattered them unburied over the wilderness of distant hills.

Some of the mountain towns, after having been dried up in the summer, were literally frozen up in the winter, thus leaving but little time comparatively in which to dig and wash out the gold. A frozen-up mining town in these days would be a curiosity. Work and business are at a standstill. Every day is more like Sunday than any Sunday the prosperous mining town ever sees. All is idleness; gaunt forms flit listlessly about the streets, sometimes gathering in groups to swear at the times, and breaking out in spasmodic sports when grumbling itself becomes unbearable. Even vice stagnates. Men have not the wherewith to play for money or whiskey, and so shuffle and deal the cards for fun. Money disappears from circulation, and a dun is looked upon as a man partially insane. Medical men drive a fair traffic as long as the liquor lasts, mending in the morning the broken heads, and setting the dislocated joints of the night previous; but when the fuel for that infernal fire is spent, then peace and good fellowship usually prevail.

It was by no means all chance that led to success or failure in the mines. Industry and economy, here as elsewhere, were nine times in ten to be rewarded in a greater or less degree. Multitudes of croakers sitting on their haunches encircled the valley of Cali-

fornia, like frogs about a frog-pond,—sat thus and croaked, cursing California, and looking at the gravel beds, and crying, "There is no gold in them." That did not bring fortune. Steady persistent work, with reasonable economy, though it seldom rewarded one with a strike or a large return, was sure to result in something. Laziness and captious disquiet were the two evils. There were comparatively few miners at the end of their first two years in California who had $1,000 laid by, and yet a claim would have to pay but five dollars a day to give the miner of it $2,000 at the end of two years, allowing $1,000 during the meantime for food and clothes. But during the earlier years, wages were ten dollars a day or more, and the miner who could not get that, or twice as much, would stop work, and either do nothing or prospect for something nearer the large ideas brought hither.

Often in making excavations for buildings the spade uncovered the bones of some unknown wanderer, thrust hurriedly beneath the cover of earth by the stranger next to him, thrust beneath a light covering of earth and straightway forgotten.

Very early there appeared a mania for rushes, as they were called, that is, a hurrying hither and thither after the echoing cry of gold. Whole camps were thus stampeded; at times the wildest stories of new finds being enough to cause men to leave good diggings in the hope of finding better. Almost all of these excitements ended in disaster, like that of the Gold Lake affair, about which one thus writes:

"One day, while in Sacramento city, I heard an old citizen relating his experience in the gold mines of this country. Among other incidents, was that most memorable of California humbugs, the Gold Lake excitement. I shall not attempt to follow the old miner through all his mountain wanderings, nor is it necessary to mention his hopes and fears, his sufferings and toils, and ultimate disappointments—but he made one hair-breadth escape which I shall mention. For many

days, the party of which he was a member had wandered about through the snow-covered mountains, searching for they knew not what, and going they knew not where. The party had about fifteen mules, all heavily packed with provisions, and although the snow on the mountains was very deep, yet it was covered with a firm crust, which rarely broke beneath the feet of the animals. One day, however, the crust did break—and such a break! In the twinkling of an eye, seven of the mules were engulfed and swept out of sight by a roaring mountain river, which had been completely arched over by the snow, and entirely unobservable until the crust was broken. Our hero was on the very brink of this frightful chasm, and had barely time to back out and save his bacon. The most singular part of the matter was, that no trace of the seven mules was ever found."

All through the summer of 1850, the miners of Antoine cañon, and along down the north-middle branch of the American river, were in a flutter of excitement regarding the Ohio diggings. They were of fabulous richness, and inexhaustible; but where were they? Party after party went out in search of them, and returned unsuccessful. As often as one failed, another was ready to adventure; earnings which were of worth only as they might bring increase. Thus time and opportunity slipped from the fingers of hundreds who might thence date their downfall. The cause of this excitement was the arrival at Antoine cañon of five men who said they were from Ohio, and who brought into camp a heavy load of gold dust. When questioned as to the place whence they had obtained it, they became mysterious, put their fingers to their noses, and smiled sardonically. Presently the men went their way. They were tracked to Sacramento, and there seen to take the steamboat for San Francisco; hence it was certain they had not returned to their mine. Evidently they intended only to unload, and returning to secure another harvest, did not

others forestall them. Where were the diggings of these Ohioans?

Early in the spring of this year, three Mexicans had struck it rich on Vanfleet creek, a little stream near to, and running parallel with Antoine creek. Between these two streams James Williams kept a store, where the lucky miners made deposits for safe-keeping. Williams, wishing to retire, notified all persons to romove their deposits. With the rest, the Mexicans came and took away their gold, which by this time amounted to seventy-five pounds in weight. Greedy eyes watched them as they went, and murderous feet followed them.

In the last party that set out from Antoine creek in search of the Ohio diggings was James W. Marshall. They had spent over a fortnight climbing rugged mountains, and stumbling through dark ravines; their food was almost gone, and they had turned their faces homeward, when, by an abrupt bend in the aboriginal trail which they had found, they entered a cool, grassy glen. So shaded was it, and so suddenly went they into it from the sunlight, that at first they did not see the horrors it contained—here a ghastly skeleton with a round hole in the skull; there another with a bullet through the heart; yonder a third whose feet had caught in the vines as the swift messenger of death had overtaken him from behind. The carcases of four horses, their packs and saddles unremoved, were found near by. One after another of these dismal objects Marshall's observant eye took in; then after a moment's pause, while a dark cloud gathered about his brow, he said, "Boys, we have found the Ohio diggings!"

Upon the discovery of gold within the domain recently acquired, the question arose, Shall foreigners be allowed equal privileges with American citizens in abstracting the precious metal?

It should be borne in mind that both the Spanish

and Mexican governments were exceedingly jealous of foreigners of every nationality, and particularly of *esos malos americanos*. The Hispano-American, however, when he found himself fairly under the laws and government of the United States, was solicitous to sustain himself and his rights, while the Anglo-American, with his shrewder instincts, now became sensitive of sharing his new possessions with others, particularly with Spanish speaking Americans. They claimed that California's shady valleys and fertile plains, and the metals of her mountains should be theirs, and theirs alone. And yet, here were all the nations of the earth rushing in pell-mell, seizing the lands, and pocketing the gold; seizing and pocketing as unrestrictedly as those who had fought in Mexico, or as those assessed for the purchase of a new wilderness.

In regard to permitting foreigners to abstract from the foothills, the American miner might truthfully say that his government possessed both the right and the power to keep its treasures if it would, and inductively he might bring himself into the belief that in the absence of government or governmental protection, he, a unit of the government, possessed the same right to determine a policy, and enforce his own regulations that he had to punish crime under like conditions. But in entertaining the idea that they possessed the right to act for the government in allowing or disallowing foreigners access to the country's mineral wealth, the American miners failed to remember that antecedents, facts, and precedents were against them; that reciprocity treaties with several nations were in force; that when no such treaties existed there was no prohibition; in fact, that the policy of the federal government had ever been to open wide its doors, encourage immigration, and offer equal rights to all. Under this known and recognized policy, equivalent to tacit consent, foreigners came hither, and it was now too late to question their presence, or to drive them by force of arms from our shores.

Native American citizens objected to foreigners filling their purses from the wealth of the foothills, and returning to their own countries. They particularly objected to Chinese and Spanish-Americans. White skins were for a time welcome among the American miners; but Indians, Africans, Asiatics, Islanders, and mixed breeds generally, were detested.

The state of California having no title to either the agricultural or mineral lands lying within her limits, her legislature possessed no right to impose a special tax on foreign miners as it attempted to do. Nor was it for the state, but for the United States, to say what should be done with the gold embanked in the foothills, or who should or should not abstract it, or pay for the privilege of abstracting it. The tax thus attempted to be levied was twenty dollars per month. The people soon saw the folly of such a measure. The miners scarcely averaged twenty dollars a month after all their expenses were paid. But those hostile to the Spanish-Americans, and other foreign elements among the mining population gained their point. The *Evening Picayune* of San Francisco said on the 14th of August 1850, "We infer, with tolerable certainty, that from fifteen to twenty thousand Mexicans, and perhaps an equal number of Chilenos, are now leaving, or preparing to leave California for their own country." It is true that certain outrages committed in the south had something to do with this exodus, but undoubtedly the main cause was the passage, by the legislature at San José, of the law to tax foreign miners. It would be useless to deny that the first day the tax-gatherers appeared at Sonora, where hitherto peace and amity had presided, the community was split in two, and arrayed one part against the other with bowie-knife and revolver.

It was a great error to suppose that the value of gold to California lay in enriching a few trappers, farmers, and emigrants. Such narrow-mindedness could not compass the idea of enticing energy and

capital from all parts of the world, to secure quick settlement and rapid development, doing in one year the work that under different circumstances might occupy one hundred years to accomplish.

The objectionable law was repealed in March 1851. A tax of four dollars was, however, finally imposed on Chinese laborers in the mines; the only reason for discriminating against these people being that they were low, helpless creatures, without even a vote to sell. The miserable spirit of discriminating against foreigners had shown itself in other ways. On the 5th of August 1850, the San Francisco board of aldermen by resolution prohibited that aliens should engage in draying, driving hackney coaches, rowing boats for the conveying of passengers, or selling spirituous liquors.

By midsummer of 1850 anarchy prevailed in the southern mines with alarming proportions. At Mormon gulch resolutions were passed that all Mexicans should quit those diggings within fifteen days, or be forcibly expelled. However, this was the action of foreigners, not of Americans. At Sonora it was ordered that all foreigners, except such as were engaged in permanent and respectable pursuits, should leave the country within fifteen days. Reading this between the lines, it meant, if we may believe the San Francisco *Journal of Commerce* of July 29, 1850, that the Americans had determined that all Mexicans and Chilians must quit the country. That journal justified the policy because, as it alleged of "atrocities daily perpetrated by foreigners of Spanish-American origin." The native Indian did not rank high enough in the scale of humanity to command the deliberations of any august popular meeting. If he dared strike a blow, whatever its object might be, even in defence of his wife and children, an outcry was raised, and mounted men with rifles would ride to the ranchería, and shoot down men, women, and children, innocent and guilty, promiscuously. Who

would waste time in trying savages for their lives? A whole ranchería of 150 souls, for the killing of one Anderson, under the severest provocation, and the stealing of some cattle, were shot down and butcherd with knives in the most cowardly manner by self-styled citizens of Trinity county, in April 1852. Hundreds of such disgraceful instances might be recorded had I the time, space, or inclination to parade them.

During 1852 the crusade against foreign miners reached its climax, with the result that in the spring of the year Mexican guerrilla bands extended from Mariposa to Mokelumne hill. The Americans of Saw-mill Flat, in Tuolumne, would have been massacred on the 7th of July, but for an Italian who warned them. They thereupon took up arms and drove all foreigners from the locality. Many measures adopted to drive foreigners from the mining claims with varied success might be mentioned, but for lack of space I must leave them out of these pages. It is worthy of notice, however, that amidst the strong feeling aroused on many occasions, and the multitudinous threats, little blood was shed. The Americans were none of the time sure that they were right, and their action was much less determinate and uniform than in the administration of popular justice.

As time went by, from urging persecutions against all foreigners alike, it became directed against Asiatics only. In this cowardly work, white foreigners themselves, but recently obnoxious to American citizens, were the chief instigators. By this time the better class of Americans had given up the occupation of mining; and the dregs of the nationalities had taken their places to glean what they could from the leavings. The latter continued the persecutions against the Chinese.

The president said in his message to congress, December 2, 1850, that he was at first disposed to favor the plan of leasing the mines, or of granting licenses

to miners in such a way as best to protect mineral lands against monopolies, and secure to the government the largest revenue; but on second thought he recommended parcelling the mining territory into small lots and selling it. This plan was equally impolitic and impracticable. Fancy a prospector buying a lot in the Sierra foothills, and then examining it to see if it contained gold; if not, buying another, and so on until he owned a barren mountain side. Then to guard these mineral government lands, to drive off the miners, and prevent poaching, would require a military force larger than the army in Mexico, and a moral force ten times greater than the federal government was able at that time to command in California. The miners were essentially migratory in their habits, ranging over a vast wilderness of gold-fields, digging a little here and a little there, trying in many places before finding a spot worth working. This shows how utterly incapable were strangers to legislate on California affairs.

Disputes between water and mining companies often led to blows and frequently resulted in loss of life. sometimes open war would wage, the contending parties ranging themselves on either side armed to the teeth with knives, revolvers and guns. Fights would supplement suits at law, and lawsuits follow fights.

It is not at all certain that, in the then existing state of things, any legislation by congress in respect to mineral lands would have carried much weight in the mining districts of California. Miners had become too much accustomed to their own way, and were, in fact, better able to take care of themselves than were eastern politicians. Nevertheless there were many serious affrays which would not have occurred had the laws regarding mineral lands been more strictly defined;—instance the following:

A rich vein of quartz was discovered on Carson hill by one Alfred Morgan, who, with seven men, took possession and began to work in October 1850. They

claimed 1,000 feet along the ledge, being 125 feet to each man. For nine months they remained in peaceable possession, working their mine continuously. The richness of the vein drew to the hill many miners, who at length began to question the right of Morgan and his men to hold so much ground; and the question of title once raised, soon the whole claim was covered with squatters. Morgan appealed to the courts and was declared the rightful possessor; but when the sheriff attempted to place him in possession the squatters declared they would die before yieldihg their claims. Further than this, being greatly superior in numbers, they held a meeting and passed resolutions that Morgan and his company should leave the camp within an hour, or be driven thence. The property in their cabin, said their resolutions, was to be "held sacred." The resolutions of 200 armed men against eight usually prevailed in the mines, so next day all that was left of the Morgan company on Carson hill was the cabin with its sacred utensils—hallowed pots and kettles and holy woolen shirts.

Thus ejected from a ledge of his own discovering, of which the courts had declared him the rightful owner, Morgan heralded his wrongs in every direction, and called upon the neighboring camps to sustain him in his rights. The opposite party likewise sent forth messengers asking a suspension of public opinion, threatening at the same time to raise five hundred men for a fight. Meanwhile Morgan went to Sonora, where he found fifty men to join his standard. With these he set out on his return to Carson hill; but on the way nearly half his force deserted, thinking it hardly the mark of wisdom to risk their necks in other men's quarrels. Arriving after night, Morgan encamped with about thirty men in a cañon under the hill, intending next day to open a fight for the premises. A gun accidentally discharged made known their presence to the opposite party, who, supposing their number ten times greater than it was, abandoned

the place. Next morning Morgan took peaceable possession of the hill, but when the squatters saw by how small a force they had been ousted, bristling with arms, and ranged in three concentric circles, they surrounded the hill to the number of about one hundred and fifty, and threatened the Morgan party with extermination if they did not leave immediately. After calm consultation, the besieged concluded to withdraw, wisely preferring to trust their cause to a course of moderation than to mar it by bloodshed. Posting notices of warning to intruders, and leaving one of their number to act as their agent, they withdrew. The besiegers then ascended the hill and took possession; the agent they seized, and declared him under arrest.

This is one version of the story; I have another. Hance and Finnegan owned a rich quartz claim, discovered in 1849, on Carson hill. Needing machinery, Finnegan went east to purchase it, and was gone about two years. On his return, he learned to his astonishment that Hance had sold the claim to Morgan and Company, and had absconded with the proceeds. Finnegan's mind was troubled yet more when informed that the claim had yielded over a million of dollars. December of 1851 saw the Hill the centre of great commotion. Tearfully Finnegan besought the miners' aid; so they drove Morgan out, and placed him in possession. Morgan called upon the courts to save him, and the courts placed Morgan in possession. But what is law without popular support? Finnegan called his friends, the miners, together; the call was largely answered, for the country for miles around was by this time deeply stirred. In fact, it was open war between the people and the courts. At this meeting, the miners voted the judge's decision a fraud. They resolved that Morgan should leave the Hill, and then drove him away. It was now Morgan's turn to secure allies. Calling a meeting, which was likewise largely attended, he secured a host of adherents, who pledged

themselves to stand by him and support the courts. During these excitements hundreds of armed men appeared ranged on either side, but none were killed or wounded. Here ended the matter.

The miners loved to regulate their own affairs, particularly mining matters, and hanging. At a meeting held Sunday evening, the 20th of April, 1851, at Horseshoe bar, the following pertinent if not logical resolutions were adopted:

That we are in favor of law and order, and are willing to obey all mandates of our courts, and all authority coming in a proper and legitimate way; but that we do not recognize the right of jurisdiction of our courts in cases of trespass on mineral claims, and that we believe all difficulties of the miners in respect to their claims can be settled far more speedily, with greater justice, and with far less cost and trouble, by the miners themselves than by any court now existing in the state.

Resolved, that we are not in favor of throwing our cases into courts which have not been found able to exercise their authority in such a way as to give to the people a feeling of satisfaction; and that while we charge none with corruption or dishonesty, we believe it to be the rottenness of our courts that has brought them into disrepute. We think too many of our public officers are more familiar with monte than they are with mining, and believe they have a better knowledge of twenty-one than they have of trespass on mineral claims.

Resolved, that we will not carry the differences which arise among us in regard to leads and claims before any court until a proper one be established by the general government; that we will discountenance all such appeals, and that as for ourselves, we will resist as best we can all attempts of our courts to exercise jurisdiction of this kind.

In criminal affairs, the miners were governed simply by their ideas of right, formulated to some extent by tradition, but always in the ends of justice. In civil cases, all depended upon agreement, and if there was no agreement, then upon custom and equity. The miners of every locality met and made their own laws regulating right of occupation; for the rest, there was little to question or dispute about. These laws were much alike in the different districts, and yet they varied a little. There were hundreds of them, enough to fill a volume. I give a few as samples.

Following are the regulations adopted by the miners of the Rock Creek Ditch and Mining District at a meeting held the 1st of December, 1853.

I. This district shall be bounded by the Fordyce and Booth Rock Creek Districts on two sides, the Spout Spring ravine on the lower sides, and the south branch of Rock Creek on the other.

II. All claims shall be one hundred feet front, running into the mountain to such depth as the parties locating may desire.

III. That it is necessary to thoroughly prospect the said ground, and that the prospecting of one claim will test the whole. All persons holding claims are requested to assist in running in a cut—to be commenced so soon as it rains, and all persons who may assist in the cut shall be entitled to one claim extra as discoverers.

IV. All claims not represented in the cut shall have two full day's work in six, done on them, or otherwise are subject to forfeiture.

V. Where claims are not workable for want of water, a notice shall be placed on them and renewed every thirty days.

VI. John Wharton, Sr, was duly elected recorder of said district, and all claims shall be duly recorded within three days from day of location or transfer.

At a meeting of the miners of Willow Hollow was held at the Willow Valley house, in Nevada township, on Monday, January 23d, to organize a new mining district:

On motion it was resolved that this district be called the Willow Valley Mining District, and is bounded as follows, viz: On the south commencing at Beck's rancho—running with the wagon road to the foot of Saccarrappa Flat, then southeast, to the head of Mosquito creek, thence east to Slate creek—including both banks of said stream; east by Slate creek, on the north by the Sugar Loaf mountain range, and west by Beck's rancho.

On motion of S. B. Herrick, the following laws were adopted:

Sec. 1. The size of claims on gulch or ravine diggings shall be one hundred feet long, and across the same, from bank to bank, on flats, one hundred feet square. The discoverer shall be entitled to two claims of the above size. The discoverer of quartz leads shall be entitled to two hundred feet in length by the width of the lead, including its dips and angles, and all others one hundred feet in length.

2. All claims hereafter located, or re-located, shall be plainly marked out by a stake at each end, with the owners' name inscribed thereon, and also actual work done on them; they must also be recorded within three days thereafter. The recorder shall receive fifty cents for each claim recorded.

3. The work done on gulch, ravine, or flat claims shall be commenced within fifteen days after they are in a workable condition, and cayote claims within twenty days. The size of cayote claims shall be sixty feet square, and shall be prosecuted so long as said claims are workable, or they shall be subject to re-location by posting notices on both ends of said claim, with the owner's name on them, and commencing and prosecuting the work so long as they are in a workable condition.

4. Each man in the district may hold one hill claim, one ravine claim, one flat claim, and one quartz claim by location, and as many more as he has already, or may hereafter purchase; provided he has bona fide bills of sale of the same.

5. A company or companies working upon one claim where they have claims adjoining, or upon tail-races, ditches, shafts, or sluice-boxes, for the purpose of working claims, shall be considered as working upon said claims.

6. These laws may be altered or amended at a regular meeting of the miners of this district, notice of which shall be posted in three public places, ten days previous to the meeting.

7. The recorder shall be elected by ballot, and his term of office shall continue one year.

8. Any person who shall violate or refuse to be governed by the laws of this district, shall not be entitled to hold mining ground in the same.

9. All water running in its natural channel belongs to the miners on said channel, each miner having a right to use the same on his own ground.

10. All claims held by companies or individuals in this district shall be recorded by the 1st of January.

11. These laws are not intended to apply to private rights, heretofore obtained in accordance with the common customs and usages of miners.

At a meeting of the miners of Bear river, for the purpose of making laws and regulations for said mining locality, it was resolved:

1. That the newly discovered mining district shall be known as Mammoth Springs diggings.

2. That all claims in the bed of the river shall be ninety feet in length, running up or down said stream.

3. That the bed of the stream be considered that part of said stream lying between its bars and banks.

4. That all claims in bars or banks of said stream shall be sixty feet running up and down the same.

5. That notices of claims shall hold good for ten days from date of notice, when, if not worked, said claims are forfeited.

6. That all bank claims that are not workable shall hold good until they are workable.

A meeting of the miners of Mammoth Springs diggings was held, pursuant to previous notice, at the store of S. M. Young, on Bear river, when a recorder of claims in the district and judges were elected, and the following resolutions offered:

1. That the price of recording claims shall be one dollar for each claim.

2. That when miners are working on their claims said claims shall be considered good whether recorded or not.

3. That river claims shall hold good until considered workable by a majority of miners of this district.

4. That the boundaries of Mammoth Springs diggings be considered from Wm Bradley & Co.'s claim up the river to Bear valley.

5. That no person be allowed more than one workable claim at a time by location.

6. That a person may hold as many claims by purchase as he thinks proper.

7. That claims in this district if not represented or recorded within ten days from this date shall be considered jumpable.

8. As amendment to resolution, know, too, that the time for working the bed of the stream shall be the first of June.

9. That a copy of these laws be left in possession of the recorder, and the chairman of this meeting.

10. That the laws of this district heretofore enacted and also the proceedings of this meeting be published in the *Nevada Journal* and *Young America*.

At a meeting of the miners in Nevada county, January 15, 1854, the following laws were read and adopted:

Sec. 1. The name of this mining ground shall be called Myres Ravine Mining district.

2d. Said district is bounded as follows: On the east by the Native American ravine, south by West Hill district, west by a straight north and south line running past the head waters of Myres ravine to the Yuba, thence

down the Yuba to the mouth of Native American ravine to the starting place.

3d. Each claim shall be one hundred feet square.

4th. Each claim or company's claim shall be worked every ten days, Sundays excepted, with one full day's labor and renewal of notice. When a company has claims adjoining, working on one shall be considered as working on the whole. All claims not workable to advantage for want of water, or any other cause, shall hold good three months by being recorded, and a record of the causes, stating the reason or reasons why they are not workable.

5th. That no person shall hold more than one claim by location; he may, however, hold as many by purchase as are worked, according to the laws, provided, he has a *bona fide* bill of sale signed by two witnesses.

6th. There shall be a recorder elected for the term of one year, whose duty it shall be to record these laws and all others that may be passed hereafter in a book prepared for that purpose, to record all claims, transfers, and bills of sale, for which he shall receive fifty cents for each claim, transfer or bill of sale recorded.

7th. Each company shall have its ground defined by substantial stakes, with notice of the number of claims held and name of the secretary of said company on the notice.

8th. That all disputes that may arise in regard to claims shall be decided by arbitration of the miners of this district, and each party shall choose a disinterested man, and the two a third one to arbitrate the matter.

9th. That the arbitrators' and witnesses' fees shall be the same as allowed by the county court to jurors, and paid by the party in default.

10th. That these laws may be altered or amended by giving ten days notice, and signed by twelve interested miners of this district, stating the object in writing, and sticking up said notice in five of the most conspicuous places in this district, by a vote of the majority of the miners interested in this district being present at such a meeting.

11th. That E. D. Dean be and is hereby elected recorder.

12th. That these laws shall be in full effect after this date, January 18, 1854.

At a meeting of the miners of Pleasant Flat held August 1, 1854, E. Mills was called to the chair, and E. P. Palmer appointed secretary. The following by-laws were adopted:

That said flat shall be called Pleasant Flat Mining district.

Article 1st. Pleasant Flat district is bounded on the lower end by the cañon, or the claims known as Jewett & Co.'s claims, and extends up the Flat to the upper end of H. H. Roberts & Co.'s claims, and on each side from hill to hill.

Article 2d. Each claim in the creek shall consist of sixty feet in length, extending from bank to bank, and not interfering with claims formerly located.

Article 3d. Each claim in the flat shall consist of eighty feet square.

Article 4th. Each miner on said flat shall be entitled to one claim by location and five by purchase.

Article 5th. When there is not sufficient water to supply each company of men in the Flat, they shall be limited to forty-five inches each, with six-inch pressure, commencing at the lower co., and extending up the flat as the water fails, until they are all limited, allowing the upper cos. the first right.

Article 6th. Each man or co. is required to have his claims recorded on the secretary's book, and to perform one full day's work on his or co.'s claims every tenth day, when he or co. can obtain the amount of water specified in the 5th article. Otherwise his claims are forfeitable, if recorded from the first of November, 1854, until the first of May, 1855.

Article 7th. No man, or company of men, shall be allowed to put a dam or any obstruction in the creek or side race so as to damage the claims above or below. Each company is required to keep the side race in order opposite their own claims.

Article 8th. It shall be the duty of the secretary or recorder to record all claims in the district if requested by the claim-holder, and to specify the boundaries of each claim or company's claim. For which the secretary shall receive the sum of twenty-five cents for recording each claim.

Article 9th. Each company shall have the right to cut a drain race through the claims below, and if the party cannot agree upon the amount of damage, if any, they shall leave it to disinterested persons. And that all difficulties arising in this district in regard to mining claims shall be settled by disinterested miners of the district.

Article 10th. That each company shall empty their tailings on their own ground.

Article 11th. That these laws be subject to amendment by a vote of two thirds of the miners of the district.

Article 12th. That a copy of these laws shall be published in the Nevada *Journal*, and three copies shall be posted in the district.

At a meeting of the miners of Bush Creek, held September 4, 1854, on motion, M. S. Cleveland was called to the chair, and N. A. Hicks was appointed secretary.

On motion, a committee of three was appointed to draft resolutions for the action of this meeting, A. B. Swan, H. A. Lonas, and M. Sullivan, members.

The following resolutions were presented, and unanimously adopted:

1st. That this district shall be known as Lower Bush Creek district.

2d. That the boundary shall be as follows: commencing at the Upper Falls, or at the lower line of Allen's claims, and running down to the falls blasted by Brush Creek Co. in 1853, including five claims in the Rock Creek adjoining, and ten claims in Miles' Ravine.

3d. That the claims shall be sixty feet in length, and extending from bank to bank.

4th. That any person may hold one claim by location, and as many by purchase as he may see proper.

5th. That any person owning claims in this district can leave and vacate the same until there is sufficient water for ground-sluicing by having them recorded in the recorder's book, giving number and location of the same within ten days after this date.

6th. That these resolutions be published in the Nevada *Journal*.

According to previous notice, a meeting of the miners of Little Deer creek was held on Saturday, September 9, 1854, and adopted unanimously the following additional laws:

1st. There shall be no dams or obstruction kept in the channel of Little Deer creek during the freshets, either at or above or below low water mark, except the dam at the falls, which may be kept in during the freshets.

2d. That the company or companies using the water of the creek shall not drop the same in cuts or flumes so as to prevent the company or companies below them from using the same water.

3d. That all companies shall have the right to drain through claims, cuts, or flumes below them by paying damages, if any are sustained.

It was unanimously resolved that the above laws be considered as additional to the former laws, passed at a previous meeting, governing Little Deer creek, and that they be published in the Nevada *Journal*.

The following characteristic letter to the Nevada *Journal* speaks for itself:

RED DOG, November 23, 1855.

Mr Editor: Through the columns of your paper I wish to state a few of the grievances, and disadvantages under which we, in this district, as a mining community, have to labor. It has been proven to the satisfaction of all that the claims here will not remunerate us, as long as the present high price of water is sustained. But when we can purchase water for two bits an inch or less, we can make good wages and occasionally have a day of grace. We do not wish to make perfect slaves of ourselves to support a few men, and pay for the keeping of their fast horses, but we wish for a decrease in the price of water, in order that we may enjoy this life, without working so hard, as well as those fortunate enough to be ditch-owners.

There were but two or three of the claims here that paid wages and water last winter, and the miners worked through all the storms. The most of us have signed an agreement not to pay over twenty-five cents an inch for water this season, and we think the ditch company will have to come to terms if they calculate to sell us any water this winter.

The Chalk Bluff ditch company built a large reservoir last season to supply this place; perhaps you have heard of it. Well, it cost over $2000, and that will be a dead loss if they do not accede to reasonable terms. We must have a chance to save some of our hard earnings. If the ditch companies wont come down, the merchants must. Hoping these few lines may meet the eyes of the companies or their agents, and cause them to turn from the error of their ways ere it is too late, I subscribe myself,

AN HONEST MINER.

Let us now see how the miners defended what they regarded as their rights. In the summer of 1851 there were two large companies at work at Coloma. One, composed of Germans, known as the Tunnel company, was sued by the other for backing up water to their injury. The Tunnel company was ordered by the court to pay $200 and lower the dam. The court allowed them ten days; but as they refused to obey the decree, at the expiration of that time, on the 28th of July, 1851, Rogers, the sheriff, with a small posse proceeded to the dam, intending to tear it down. He found the place guarded by 150 armed men prepared to resist. The sheriff withdrew, but soon returned with 200 men. When he reached the grounds again, prepared to enforce the law, he found the Tunnel company had already learned of his movements, and

yielding to necessity was tearing down the obstruction.

Sheldon's rancho on the Cosumnes was the scene of civil discord during the first days of July 1851. A dam had been built by Sheldon for the purpose of irrigating his land. But while a benefit to him, it was a great injury to the miners working on the river above, as the water flowed back on their claims; wherefore they rebelled and threatened to destroy his works. Sheldon, bringing 150 ranchmen to his support, with a six-pounder placed in position, prepared to resist the miners. The latter, however, in Sheldon's absence, spiked the cannon and took prisoner the man who had charge of it. Sheldon, upon his return, finding the miners advancing with axes to cut away the centre of the breastwork, undertook to defend the dam, and with twelve allies walked forward and took positions in different places. Sheldon then remonstrated with the miners, told them that they were trespassing on his property, and threatened death to the first man who should attempt to cut away the dam. Immediately a shot was fired from the besieging party, striking Johnson, one of Sheldon's adherents, and almost instantly killing him. Some one in the crowd exclaimed, "there, we've killed Johnson, now give it to Sheldon, give it to Sheldon!" Half a dozen guns were aimed at him, and he, too, fell dead. Another of his party was killed and two wounded. Several were taken prisoners, but speedily released. The number of miners is variously estimated at from forty to one hundred. They escaped with little or no injury.

A difficulty arose at Park bar, about the middle of July 1851, over some mining claims. The authorities interfered, but were successfully resisted by seven men, who maintained their claim in a most defiant manner. The authorities then sent to Marysville for assistance, and two officers, McCloud and Bowen, came over to make an arrest, but were met by sixty belligerents, who, armed with pick-handles and stones, drove the

officers away. The deputy sheriff of Yuba county, with a posse of 150 men, then appeared at Park bar and arrested two or three of the leaders, who were taken to Marysville jail and dealt with according to law. The rebellion was subdued and no further difficulty ensued.

CHAPTER X.

CLASSICAL ABNORMITIES.

Es muss auch solche Kauze geben.

—*Goethe.*

Ne nous emportons point contre les hommes en voyant leur ingratitude, leur injustice, leur fierté, l'amour d'eux-mêmes, et l'oubli des autres; ils sont ainsi faits, c'est leur nature: s'en fâcher, c'est ne pouvoir supporter que la pierre tombe, ou que le feu s' élève.

—*La Bruyère.*

Phantasia, non homo.

—*Petronius Arbiter.*

Mur.—We are men, my liege.
Mac.—Ay, in the catalogue ye go for men.

—*Macbeth.*

HUMAN nature turned loose into an unfenced field cuts queer capers. This we have seen fully illustrated throughout our entire study of the California flush times. Why it does so, or from what turned loose, it does not know. It knows that it is loosened from something, and being like certain gases set free by certain salts, its behavior under the new conditions is peculiar. But the capers thus cut being of the first rank, and the most superior of their kind, may be called classical; being queer they may be called abnormal. Man's antics are but aberrations of development; they are a phase of physical and intellectual revolution whose origin and circumstance are according to conditions.

Until to some extent set at liberty, human nature never knows that it has been bound; and when it begins to know and feel its bonds, it cannot tell by what powers it was enslaved. And even when its iron fet-

ters, firmly grasped, crumble in the hand, it wonders why it wore them so long. Who is man's master? Himself. The greatest master of the greatest mechanism. Self-control, more difficult than control of lightning, or other elemental force. What are the conditions of this self-subordination or self-slavery? Association. If man remained alone, he would have no use for such words as master, slave, as there would be no other subordination than to nature.

Why then should man, the freest thing in nature, the only free and independent lord of all, why should he hunt so far and wide for powers under which to place himself in subjection? Until he has served a long apprenticeship, an apprenticeship of ages upon ages, ten thousand or ten millions of years, it will do no good to say to him, fool! devil-maker, god-maker, conscience-mauufacturer, morality-molder, why go you so far along the lane of blind stupidity, with eyes riveted on the ground, with fetters riveted on every natural and artificial element of your nature, refusing to see, feel, or think? Before the coming hither of the men of 'forty-nine, they were bound, tied body and soul by laws, traditions, and conventionalities. Here for a moment they were free, absolutely free, whereupon straightway they must forge for themselves new fetters.

The migration of the gold-diggers marks an epoch in history ever to be remembered, and many times more to be commented upon. Many of them travelled half way round the world to reach their destination; many reached the spot only to lay down their lives. What a mixture of matters! Gold-hunger and straining self-denial; ceaseless gnawing within, and sweet air and sunshine still running to waste without; and in the midst of all death, cold, relentless death, horrible termination to happy hopes!

> The very deep did rot: O Christ!
> That ever this should be!
> Yea, slimy things did crawl with legs
> Upon the slimy sea.

All sprinkled was the wide ocean with ships, the wavy plains with moving congregations. One is the counterpart of the other; the ocean is but billowy hills and restful plains, the mountains petrified waves. All the world was up, and every man wished to be a-top of it; for long ages ago the golden crop was sown, and now the golden harvest is to be gathered. Following the phantom hope, following the fantastic visions of his brain, starboard, larboard, now to the south, now to the west and north, fitful fate leading, ten thousand men were on these ships whose thousand roads were here converging. Virtue, health, knowledge, fame, wealth, and heavenly expectation all lay in this one direction. Drifting south toward the burning sun, I being also there, softer and warmer broke the breeze upon our brow, and warmer grew the waves as, sailing southward from out the black night and thundering sky, we dashed into the daylight. The sky was studded with new stars; and nightly came the bashful moon creeping timidly up from the horizon far behind the clouds, trembling at her own presumption after so gorgeous a display of the sun's majesty. Round the land's end and steering northward, with certain thousand leagues yet to sail, three several times with chafing spirits in unwelcome rest we lay twelve days wasting of famine and weariness, waiting the tardy wind. Yet presently with fresh wind we onward swiftly drive again as if for our ship, as for that of the ancient mariner, the wind opened before and closed behind. As Anaxagoras remarked of hades, the distance to California in those days was about the same from one place as from another.

There are evils springing from ocean travel, yet one cannot but be improved by it. Go on board a steamer, shut yourself in your room, throw yourself on your bunk, and even amidst the frequent paroxysms arising from troublous unrest, the intellect seems to enlarge and become luminous like the phosphorescent

sea smitten by the ship's paddles. While the mind is thus burnished by the rolling of the ship, I have felt every throe of sea-sickness to be like the birth of a new thought, and followed by mental exaltation and ecstasy.

Whether on sea or land there were the sky and horizon, and the level-round planet floor, and the stalwart men passing over it with their wives and little ones, and all their belongings, carrying them to new lands, as Æneas carried to new lands the national gods of Troy and the sacred fire of Vesta. At Green river I have seen upon a background of smoky blue, lightening-streaked cloud-walls, glowing in their anger like a heated furnace, while from the sandy sky above the rain poured down in dusky streaks.

It might be a summer holiday or it might be misery and death. For among the wayfarers were women gaunt and ghastly, and men shrivelled and haggard and wan, the human in them devoured by hunger, leaving only the reasonless and grotesque.

Give drink to the alkaline sage-plains of Nevada, and a garden is their smile of thankfulness; give these men gold to drink, their thirsty heart's desire, and they will rear before the world a new civilization. And this gold should be theirs; they would achieve it; what others have done they can do; and so for the time must rest satisfied. This thirst for gold, to their deluded vision was like snow seen through the pellucid air from the sun-scorched plain, lying on the seemingly so near yet distant hills.

Over the treeless and birdless plains, the blistered passionless plains; over the waves of soapy ground, round the sunburnt hills, and along benches of rotten rock, then down where the tall grass borders putrid pools, and the rivers are woe-begone, discouraged and lifeless, they come at length to the frowning side of the Sierra, which they bravely assail, and reach the snowy summits mottled with green; then dropping gently down the seaward side they find at the foot hills

chasing hills in low rounded rythm, while November's moisture tints the gray plats with green, and the swelling bud begins to push from the branches of the trees their dry leaves.

"Eureka!" exclaimed Archimedes, as the method of determining specific gravity flashed upon him while in the bath. "Eureka!" cried the gold-thirsty thousands as, striking their picks in the gravelly bottoms of the Pactolian streams, they turned up the glittering sand which was to be healing balm for all the nations.

In the hope of a sudden acquisition of wealth there is that which strikes the imagination and rouses the spirits not found in the patient plodding walks of industry or commerce. At such times the mind becomes so inflamed, and the judgment so warped, that the venturer closes the eye to danger and disappointment, and visions of the coveted treasure only absorb the mind.

To these early diggers California was the Omphalos, the earth's navel-stone, the very centre of created things; she was what Ithaca was to Ulysses.

> A rough, wild nurse-land but whose crops are men,
> A land where, girt by friends and foes,
> A man might say the thing he would.

They were no brainless brood of mad adventurers, though among them were many such. They were gods, and god-makers. First of all labor was deified, digging for gold being no child's play, but work—labor and rags. Into Jove's hands was placed a pick, and Minerva was made to stand in the state seat; Jupiter was not permitted to go naked, neither must he wear store clothes. They themselves displayed their contempt of conventionalities by dressing as badly as they could, and if by chance one of them became suddenly rich, he dressed worse than the rest. Some, if they did not attempt the perfect nudity of the Picards in Flanders, and ape Adam in paradise, came near to it, their wardrobe being shirt and overalls, with the shirt usually left off.

There are a hundred ways to measure a man's soul —by the size of his gift; by the breadth of his self-denial for the sake of others; by the command over self; by the devotion to a cause; by the powers of endurance; by magnanimity or meanness—and all the rest. Wherever the achievement of stubborn fact is subordinated to the tickling of a fancy there is sure to be cheating and quackery. A school professing superior manners is not usually renowned as a seat of learning; a temperance hotel is proverbially the poorest of inns, and a journal of extra high morality is a poor newspaper.

What had California to do? Everything. There was the bare stretch of earth, nothing more. It was a paradise for wild men, but for civilization's pets it must be swept and garnished. After a day of gold-digging a government must be established, lands cultivated, and by and by cities built, with their streets, sewers, churches, houses of prostitution, schools, gambling shops, hospitals, and jails. And while all this is going on, in addition to money-making and family-rearing, what time shall then be left for the more refined culture?

Tossings hither and thither, tossings to the larboard and to the starboard of the ship of experience, down-falls and kicks upward, flesh-tearings, bone-raspings, pride-tamings, and the rest—all this is the digging and fertilization that makes the barren tree to yield fair fruit. Foreign winds blow fresh experience, and with the frosting of the hair the brain is made clear. Yet all of this in those young days was but a *cos ingeniorum*, a whetstone for the wits.

There was here in its warmest mood, circumscribed between beginnings and ends, that first element of progress, change. Like all the elements of matter, like all the forces of nature, men labored in unrest. Nothing was fixed, nothing was in repose. Launched from the shores of time into the boundless sea of the eternities, they could still hear the cries of birth mingling with the moans of death.

Very different was the Californian nation in its making from the American nation. In the settlement of New England there was an agreement in religion, in politics, in morals and manners, in everything appertaining to the new commonwealth. One was as prim and puritanical as another. All were death on sin, and although they had so lately fled from persecution, they were little behind their persecutors in requiring all men to believe what they believed. This fanaticism was the strongest element of their union, the most exalted of Plymouth-rock sentiments. In California the moral ideal was not nation-making, or meeting-house-making, but money-making. The meanest of occupations, however, was saturated with thought. It was an epoch of expansion, following a long period of concentration of ideas, both upon these shores, among the Hispano-Americans, and at the east, where intellect was more slowly but none the less surely marking out the pathway of its final emancipation.

There were yet new moralities under the sun as well as new lands. Conscience, which was once considered an original faculty, was now regarded as the product of an association of ideas. And under the new survey, right and wrong assumed original prerogatives. And as the primary elements of the social structure in California, more than in any spot or time the world has ever seen, were abstracts of the best elements of the foremost nations of the earth, so the body politic in its completion and entirety was second to none. Every element of pioneer character was instinct with directness and efficiency.

For the matter of that, there were among them men without a country, men who never had a country, who, born upon the wing, were accustomed to rest on any spot where they happened to light, and to fit their ears to any name given them.

Like animals of an elevated type, while the organism grew rapidly, the organs of the body politic of

California developed slowly. Digestion was good but the muscles were soft, the bones cartilaginous, and the brain inept and watery. The structure of the infant state could not in a moment take on the strength of the mature man. While ready to profit by the experiences of older communities, the people would not hamper themselves with ancient restrictions.

To the Californian, California only was life; all the time coming hither, and after bidding her adieu, was like the fly-leaves at the beginning and end of books —blanks. Escaped from the tyranny of tradition, he must needs purge himself of his piety, as Roman *bon vivants*, to avoid indigestion, took an emetic before sitting down to dinner; then he might safely launch his hopes on the limitless ocean of free thought and unconstrained affection.

How much of all man's infelicities is the result of inheritance and environment, which like Harmonia's robe, dyed by Vulcan in many crimes, infuse wickedness and misfortune into the wearer! More than in her successes, there are lessons to be learned from California's failures.

They are free and easy, and the best natured people in the world. But it is not the good nature of ingenuousness or simplicity. Steamer travel and commercial intercourse have taught them that good nature will carry a man farther and better than bad nature; that while bad nature involves one in difficulties, good nature extricates one from them. Their acute perceptions would prevent their becoming victims of imposition, except that this very quality of shrewdness lulls suspicion. Their very strength is their weakness. Frank and free in disposition and dealings, they cannot impute mean motives to all with whom they come in contact. When cheated they say little, but the cheat, his shop, his house, are avoided as those of a leper.

As in Rome in the days of Rutilius, who was impeached and banished because of his obnoxious hon-

esty, it was becoming really unsafe in California to profess or practice virtue too boldly. It was safe to display only one's vices. And it is safe to say that since ante-Cæsarian days, for a time three of the Latin deities at least were nowhere more devoutly worshipped than here: Plutus, Venus, and Bacchus, each one of whom was known to have put to death thousands of human beings without a license.

Now and then was one as lucky as Barney O'Rierdon, who, when he was lost at sea, got himself paid for piloting the ship that showed him the way home. Others were obliged to live like plovers, that is to say on little else than wind, yet all the while as sure of discovering treasure by means of their superior knowledge or luck as was William Legrand by his *scarabæus*, or gold-bug indicator. Many would have turned schoolmasters like the younger Virginia scions upon the bursting of the Alabama bubble, but unfortunately there were no children to be taught. It takes time and sex to make men, or even youth for discipline.

They had no time for law. Cases were decided by the pistol beforehand and tried afterwards. The most insignificant quarrels were settled by a resort to arms, frequently resulting in the murder of one of the parties, the survivor finding it often easier to obtain an acquittal for the crime of murder than some simple matter of justice in the courts. Whenever a murderer chose to come forward and stand trial he was almost sure to be acquitted on the ground of self-defence, though he who touched his neighbor's property was hunted and hanged. In politics they were as disputatious as the Athenians.

Rude men formed into a new and crude society, seize the few pleasures that first present themselves, and if these are of a lower order than hitherto have been in accordance with the habits and tastes of some of them, the more refined soon sink to the level of the rest, and accept with thankfulness anything that

breaks the weary monotony of their lives. Not unfrequently they gave themselves up to making night hideous. Some crowed like a cock, sounding out of the black darkness the yet unstreaking dawn; others barked like a dog, maligning the howlingest cur that ever bayed at the moon by their disgraceful imitation; he who could make an ass of himself in no other way brayed.

Physicked of former affections and conventionalisms, and all having come for gold, gold of course was the spirit of their contemplations. At night they dreamed of it, though in the morning they found themselves possessed of only visionary wealth. Beneath downward-pointing fingers glowed the word *effode*, dig! Far and yet farther before them flit the realization of their hopes until the very shadow of success sinks below the horizon. Their thoughts were gold, golden their hopes, fears, loves, hates. They saw the mountain sides streaked with veins of gold, and gold-dust sprinkled the plain. The illuminated heavens were golden, likewise the flushing earth.

Wealth was sought not so much for the permanent power it conferred, which is its chief attraction in staid communities, as for the purchase of present indulgences, which is the basest use, not absolutely criminal, to which money can be put. Money will not make rich the prodigal. Nor is commerce benefited by having more than it needs. Two thousand centals of wheat will feed more mouths than one thousand centals; but two thousand dollars in gold or silver depreciated one half by doubling the amount in circulation will carry on no more traffic than one thousand.

Extravagance seized the gold-hunter even before he had left his home. His resolutions and his desires were extravagent. A fortune was his object; heaps of gold alone would satisfy him. And great riches, the reward of great hardships, once his, great should be the indulgence. Carrying with him such expecta-

tion, he could ill brook the disappointment that too frequently awaited his arrival, and the hopes and failures that followed only ripened him for any excess.

As a rule everybody arrived in California poor; many of them remained poor, undergoing more or less suffering; and yet there never was what might properly be called a poor class upon the coast. Spread out before the adventurer were metal-veined hills and fertile valleys; and with such fair provisions, united with health and strength, he was rich though he had not a dollar, and did not know where his dinner was to come from.

To the wise man no circumstances could offer greater inducement for the exercise of self-control, for indulgence was always attended with great risk to health and life; and yet, self-control was about the last thing of which men there were thinking. Money they wanted; behavior was unrestricted. And yet, it soon became apparent that in one sense the penalties of extravagance and dissipation were not exacted with the same regularity in the new community as in the old. Rioting was not attended by disgrace; poverty did not necessarily follow prodigality, nor want, poverty. There were bushels of gold in the placers, the property of any one who would take it out, and the penniless of to-day might be the envied possessor of a pocket-full to-morrow. The improvident sometimes seemed to succeed as well as the careless.

Obviously this tendency to gratify present desires at the expense of the future arose from immediate surroundings. Reckless expenditures and unbridled passions were qualities not inherited from the middle classes of staid communities. Improvident Englishman and thrifty German, alike, on touching California soil seemed to lose self-control, and seize proximate pleasures regardless of future penalties. Too many of them, like Ulysses in the island of Calypso and in the halls of Circe, forgot their Penelope, and gave

themselves up to the sweet entanglements of a new mistress.

What is the strongest force in nature? Desire. It underlies all activities and is the sum of all forces. Man desires food and raiment, companionship, aud ten thousand gratifications which money will buy. Some desire knowledge, some fame, and all spend their time in what is called the pursuit of happiness. Entering upon the blinder forces of nature, we find attraction pulling one way and repulsion another way; the inconstant wind hurrying in this direction or that; water rising and floating off in clouds, then falling and seeking the sea! the great golden sun keeping in motion illimitable life and transformation. What is the key note of desire? Dissatisfaction. With all wants satisfied there would be no desire; without desire there would be no change; without change no progress; and without progress it were a dead universe.

CHAPTER XI.

SAN FRANCISCO.

Superanda omnis fortuna ferendo est.

—*Virgil.*

To the Greeks, Delphi was the centre of the earth; to Jews and Christians, Jerusalem; to Californians, San Francisco.

Pastoral San Francisco was but a hamlet. Though a seaport, it had little to do with the sea, and was more like a cluster of houses in the country than a commercial town. The presidio maintained the dignity of government and war, and the mission the dignity of religion, so that for the traffickers at the cove little dignity remained or was required. Even when the galvanic shock of gold-discovery struck the place, it did not immediately assume large proportions, but rather stood stupified for a moment before setting out on its broad pathway of progress.

Hence it was that during the winter of 1848–9 the place did not grow much, nor was it very large by the end of 1849. The principal buildings were clustered around the plaza, or Portsmouth square; brick structures were few, and there was not one really substantial building in the place. The greater part of the town consisted of tents and small shanties made out of packing-boxes, with some not very good houses of more pretentious construction. The few travelled streets were little better than mire during the rains, while the sidewalks were made of barrel staves and narrow pieces of board.

The autumn of 1850 saw quite a city-like settlement round Yerba Buena cove. Prices of most necessities and some luxuries had come down within the reach of the masses, but were still high enough. Several new journals were started, such as the *Pacific News* and *Commercial Bulletin*. The El Dorado gambling-house, from a canvas tent, had become a fine three-story brick building. The bay was noisy with steamers, many of which were transformed sailing boats, with old boilers which burst with the slightest provocation.

The fire of 1850 put an end to many irregularities. People then began to build in a more substantial manner. The fire of 1851, however, made a clean sweep of all that had been done, and the city began to assume a more regular appearance. Brick houses and planked streets took the place of the huddled huts and tents of the previous years. The bay was alive with shipping; by midsummer over a hundred steamers had entered and departed.

"Old things are passing away," sighed the meditative man, by old things referring to things two years old. The hills were being cut down and the hollows filled up. Montgomery street, which was the original high-water mark, was now in the heart of the city, and Sansome street, which had been filled up between Jackson and California streets, was the new water line. The water lots between Montgomery and Sansome were first piled, and then filled in. South of California, the steam excavator was busy scooping up the sand-hills, and dropping them into the low places along the border of the cove. A rail-track was laid on Battery street, along which cars were seen flying back and forth all day, dumping their loads into the water, the conductor, mounted on the foremost truck, lustily blowing his horn to give warning of approach.

The space bounded by Montgomery, Pacific, Jackson, and Kearny streets was, in the spring of 1851, a hollow filled with little wooden huts planted promiscuously, with numberless recesses and fastnesses filled

with Chilians—men, women, and children. The place was called Little Chile. The women appeared to be always washing, but the vocation of the men was a puzzle to the passers-by. Neither the scenery of the place nor its surroundings were very pleasant, particularly in hot weather. On one side was a slimy bog, and on the other rubbish heaps and sinks of offal. Notwithstanding, it was home to them, and from their filthy quarters they might be seen emerging on Sundays, the men washed and clean-shirted, and the women arrayed in smiling faces and bright-colored apparel. They could work and wallow patiently through the week provided they could enjoy a little recreation and fresh air on Sunday. Whenever a vessel arrived from a home port, the camping ground presented a lively appearance. Round the chief hut or *tienda* lounged dirty men in parti-colored serapes and round-crowned straw hats, smoking, drinking, and betting at monte. Most of these were either on their way to, or had lately returned from, the mines.

Walk Kearney street at night from California street to the Plaza. The shops are all closed, all but the saloons, mostly attended by a French or Spanish woman, and Cheap John auction stores, whose cries in husky voice and bad breath strive to roar above the jingling bells, before each door, where every one tries to ring down his neighbor. Passing along you step aside to avoid some reeling drunkard running into you, and as you approach the plaza, the blazing light from the thickly planted saloons glows in the thick, murky air without, and strains of mingled music from different bands fall upon the ear. Pouring in and out of temples dedicated to Bacchus and to Fortuna, are crowds of people of every hue, and tongue, and character under heaven.

Building in the autumn of 1853 was active, and the structures were of a much more durable character than was the custom to rear hitherto. Most of the

houses for business purposes, both in the cities and in county towns, and mining camps, were of brick, not high but well built. In San Francisco even private dwellings were many of them of brick, but owing to the rains of winter and the fogs of summer brick residences were never popular. A few years later, after having thoroughly tested them, no one built dwellings of brick; there are now wooden dwellings in San Francisco which cost the owners to build $300,000, and not a single fine residence of brick or stone can be found in the city. It is not the cold or dampness, for brick buildings can be made as warm and dry as frame, though this climate does not require very warm houses. San Franciscans do not care to have their houses too warm; nor with all the fogs and rains is it considered a very damp climate. The fear of earthquakes at one time exercised the strongest influence against brick dwellings; this, while there was no existing necessity for them, and they were in addition more costly, and plainer, with fewer facilities for elaborate ornamentation which characterizes modern private houses in this country, caused a prejudice against them to spring up, and the fashion for frame houses was formed, which still remains. At one time, however, there was quite a movement in the direction of brick dwellings of a plain but comfortable character, some of which may yet be seen at North Beach, South Park, and scattered at intermediate points. Montgomery Block, by Halleck, Peachy, and Billings was the largest building of the season.

"I can well remember," says William Van Voorhies, in an address before the California Pioneers, on the 9th of September, 1853, "and I am not by many years one of the 'oldest inhabitants,' when the bay of San Francisco afforded ample room and verge enough for the easy and unobstructed passage of the largest class mail steamers anywhere between Clark and Rincon points; when one could make one's way from the summit of Telegraph hill to the old Parker

house by winding down its bare sides, now Broadway and Pacific streets, and leaping the slough, now Jackson street, wading through the bay, now Montgomery street, up a sand bank, now Washington street, to an open space, now Kearney street and the Plaza, thence fifty paces south to the point of destination. I can well remember, also, when an unobtrusive casa, compared with the immense structures which now rise heavenward here and there at magnificent distances, was all that, in the way of internal, or for that matter, external improvements, met the eye; when the Parker house, the old Portsmouth house, the United States hotel, Howard's store, the venerable adobe on the Plaza, then a custom-house, afterwards a broker's shop, and now no more, with one or two other shanties, looked to us immigrants of '49 like palaces; when seraped natives chased the wild bullock over the surrounding hills, satisfying a lean lank traffic, not commerce, with the offering of a hide or horn; when a Chinese was a *lusus naturæ*, and a woman on the street—which was an imaginary line drawn in red and blue ink on paste-board—an absolute and unmitigated wonder."

The pile-driver, both the man and the machine, was an institution of San Francisco's babyhood. Without the driving of piles, the water-lots of the cove could not be reclaimed, and without their reclamation ownership was of little avail. The manner of it was in this wise: from one end of a lumbering scow rose, high in the air, two perpendicular beams, between which played a large lump of iron. A primitive steam-engine, standing back of the upright beams, drove the machinery. On or near the spot destined to be reclaimed floated hundreds of piles, that is, young trees, from twelve to eighteen inches in diameter, cut thirty or forty feet in length, carefully trimmed and sharpened at one end. With its claws, which were attached to the end of a chain, the machine seized one of these floating logs near the large end, and with a wheezing

rattle lifted it up, planted the point in the proper place, bringing the large end under range of the iron block or hammer, which was lifted up and dropped upon it in successive blows.

The sorriest of all sink-holes was the old city hall. Originally the Jenny Lind theatre, which proved to be a bad speculation, it was by potent, grave, and reverend city fathers, for a proper consideration of their pockets by the seller, converted into a municipal building. The price paid was $200,000, to which must be added $40,000 for alterations. It was a place that few respectable persons would care to enter except as driven there by necessity. It was connected with everything unhappy, unholy. The basement was a vault filled with drunkards, vagabonds, thieves, with the usual attendants on the fraternity. On the first floor were the municipal offices, the mayor's court-room being the most sickening place of all. Up one flight were the rooms of the city council, the city treasurer's office, and the district court chambers. In the third floor were more offices. Subsequently were added to the main edifice the old gambling shops on either side, of one of which was made the hall of records, and of the other, offices.

A motley crowd was ever thronging the streets; the tatooed islander, the solemn Chinaman, and the slovenly Chilian mingled with the more decided white and black from Europe and Africa. A mighty talisman had transformed a wilderness into a place of busy industry, a barren peninsula into a blooming city; and the same subtle influence was still at work, blending national antipathies with kindly spmpathies, and harmonizing the antagonistic elements of this strange brotherhood. Blessed be gold when it can be brought to such uses?

Thus rapidly was an orderly, intelligent population replacing the hurrying gold-seekers. Those who now purposed to make California their home, were resolved that the scum from eastern and European cities, and

the convicts from the British penal colonies, should not be permitted to mar the fair prospects of the state, which sentiment led to popular tribunals, described in another volume.

Hundreds of Micawbers were always waiting for something, anything, to come along—waiting about the post-office, custom-house, and other federal and municipal free-soup houses; standing in auction rooms, and strolling down Long Wharf.

The country was filled with would-be great men—men who measured the greatness of their own worth by the fancied littleness of their neighbor. Every bosom beat high with aspirations.

I have said that in the absence of old-time associations, some were disposed to be lonely at times, to the damage of their morals. While this was true, it was likewise true that, although in a strange land, isolated, without friends or female companions, exposed to temptations, reverses and hardships, the 'forty-niner found much in the form of a substitute for ennui. There was an indescribable stimulant in the business atmosphere, in mingling with men, not unlike that so often glorified in the physical, which chased away loneliness, generated excitement, stripped time of its monotony, and glued the heart of the adventurer forever to the soil

A German editor of San Francisco is responsible for the following, which he tells for a true story: One day a German was leisurely riding along Sansome street, near Sacramento, when he heard a pistol shot behind him, heard the whizzing of a ball, and felt it strike his hat. Turning about he saw a man with a revolver in his hand, and taking off his hat he found a bullet hole in it. "Did you shoot at me?" he asked. "Yes," replied the other, "that is my horse; it was stolen from me a short time ago." "You must be mistaken," said the German, "I have owned this horse for three years." "Well," exclaimed the other, "now that I come to look at it, I believe I am mis-

taken. Excuse me, sir; won't you take a drink?" The rider dismounted, tied his horse, and the two found a drinking-saloon near by. Entering it they called for their respective beverages, talked the affair over in a cool common-place manner, and parted friends.

Doctor Ver Mehr gives to C. V. Gillespie the credit of having the only carriage in San Francisco in September 1849. Better still, the worthy doctor gives him the credit of taking him and his family up in it when he landed on the beach at Montgomery street, after a seven months' voyage round Cape Horn. A lady in a carriage was then no common sight. Passing up Washington street on their way to the residence of Frank Ward, corner of Stockton and Green streets, the new-comers met a group of Frenchmen straggling along the uneven ground composing the sidewalk, when one of them, pointing to the plaza, then a sandy lot, called out to his comrades, "Voila, messieurs, la place royale!" Just then they spied the carriage with its fair freight, when in an instant off went their hats, and all shouted simultaneously, "Vivent les dames!"

Many theatres and other places of amusement sprang up, in which the performance and attendance were both good. The stock companies were far above the average in Europe and the east. In California, poor acting, like poor preaching, or poor horse-racing, did not pay; it required more than ordinary ability among the performers to hold in their seats for two or three hours their discriminating and restless audience. Somewhat expensive it was for the young merchant or salaried clerk, but what were they to do after work, with no home and no congenial female society? Almost anything was better than loitering about gambling saloons, or other dens of vice, with which the town was filled, and which it was difficult always to escape.

So it was that Californians were great play-goers, and in their gatherings might be seen as varied a

crowd as ever gathered in the foreigners' gallery of an Athenian theatre in the days of Euripides. An English sailor might be seated beside a Boston merchant; a hybrid—half Aztec, half Spaniard, beside a French nobleman; a Sweedish consul beside an Italian fisherman; farmers, mechanics, and miners all together. Among the men and women of the stage time throws a glamour which softens their ruder parts, and heightens the charm all feel in their tragic and comic fictions.

The effect of the drama on California was most beneficial. The craving for excitement had become to the people a second nature. Business gave the mind employment during the day, but at night recreation seemed necessary. In the absence of home and social ties, the gaming-table and the glittering saloons of prostitution were too often the resort of men too good for such places; but when theatrical performances of the better sort were offered, there was a marked decline in the patronage of the gaming-table and liquor saloons. The tastes of the community were not so low as circumstances had hitherto made them appear. As amusements of a higher order were introduced, those of the baser sort lost their charm. As early as 1851 there was scarcely a mining town of a thousand inhabitants without its theatre.

To the homeless, houseless wanderer the theatre was a blessing. And notwithstanding all that has been said of San Francisco looseness and immorality, there never was a time when a licentious drama was encouraged, or even tolerated. Far above the average theatre-goer of New York, London, and Paris, in refined taste and appreciation were those of San Francisco.

Lovers of tragedy who attended the Jenny Lind on the night of the 14th of January 1851 to witness *Pizarro*, were regaled with a recital of real life which equalled anything they might have seen upon the stage. It appears that Mrs Hambleton, who was to

have acted a part that night, did not live in harmony with her husband, but found the society of Mr Coad, a member of the same company, more congenial. Matters had not proceeded far when Mr Hambleton brought on the climax in a storm of passion. Confronting the lovers, who were guiltless of any criminality, he made the man promise to quit the country instantly. The woman seeing all hope of happiness had gone, took poison and died; whereat Coad also took poison and attempted to die, but could not. There was no performance at the Jenny Lind that night.

Jeems Pipes to the San Francisco *Evening Picayune* writes from Sacramento the 21st of August 1850:—"To dessippate my retched sensay shuns I go to the M street *Pasificke Theatre;* by the way, one of the most perfekt speciments of arkitekshure in the wurld. The band led by Mons Bona were a playin a Jenny Lind poker, and the ordience, graced by sum interesting phemales, wos quite large, orderly, and respektabel. The play was 'Honey Moon,' Mr and Mrs Thorne, from Chatham Theatre, the principal attrakshun. Six months ago upon the same spot wos I sittin on a log, wittling, and nuthing to see but stumps, and treas, and a few dirty tents—so much for the go-ahedativeness of Amerikans."

The signals on Telegraph hill became so many and so intricate, and withal were so important to anxiously gazing expectants, that an enterprising lithographer conceived the idea of putting them on a chart where all could see and learn them. One night shortly after the publication of this chart, a newsboy sat in the top loft of the theatre, cracking peanuts, and criticising the sons and daughters of Thespis, as they strutted their brief parts before him. Presently one rushed upon the stage with arms extended at right angles with his body, and exclaimed, "What means this my lord?" The boy who not only knew well the chart, but whose fancy was then revelling in the an-

ticipated profits of his paper, cried out, "Side-wheel steamer!" The house, and the actor's arms, came down simultaneously. A story is like-wise told of a newly arrived emigrant across the plains, who, in applying this chart to the interpretation of the signals, mistook a windmill which stood near by for the arms of the telegraph, and counting up the fans concluded that a fleet of clippers was coming in.

Twice or thrice a month the mail steamers, connecting San Francisco with New York by way of Panamá, departed and arrived. Both were peculiar and notable occasions. It is difficult for one who has not lived it through to realize with what nervous pulsations these vessels were watched as they came and went. California was then well-nigh out of the world, beyond the pale of civilization, of sabbath and home influence, of all the sweet memories and amenities that make life endurable. Her people were voluntary exiles, cut off from friends and all congenial society, doomed for a period to a life of self-abnegation and hard labor, and these days of steamer arrivals and departures were as links in the life-chain that was to bind the future to the past. The present went for nothing, or worse than nothing, perhaps; for it might be a nightmare, a horrible dream, a something to be blotted from the memory as soon as ended. When the steamer came in with passengers from home—the whole eastern seaboard, and west to the Missouri river, was then home to the expatriated of California—with perhaps friends on board, but above all with letters, what a flood of tender recollection rushed in upon the soul!

Therefore when the signal flag was unfurled, and the wind-mill looking indicator on telegraph hill stretched forth its long ungainly wooden arms and told the town of a steamer outside, a thrill went through the heart like that which Gabriel's trumpet sends into the fleshless bones of the dead. Some rushed

to the hills; others mounted horses, and riding to the cliff, watched the little cloud of smoke under the sky-line thicken and blacken; watched the vessel emerge as first the smoke-stack and spars, and then the hull appeared above the horizon; watched the little speck grow into a great leviathan, as lazily—oh! how lazily as it appeared to those on shore as well as those on board—it ploughed the sea and entered the Golden Gate; then returning, watched the little boats as they put out from shore to board the monster—the quarantine officer's boat, perhaps, with the yellow flag, the Merchant's Exchange boat, and the express companies' boats; watched the white smoke from the steamer's gun curl up and float away in clouds, while the report reverberating through the streets roused the more abstracted occupants from their soul-absorbing work.

Then a stream of hacks, and wagons, and drays, and men on foot, hotel-runners, working-men, business-men, and loafers, set in toward the wharf. Proudly the great ship sweeps round the bay to the city front, as if conscious of the admiring gaze of the multitude; leisurely, and with majestic dignity, as if disdaining to make an exhibition of her strength. Now she stops her wheels, and yawns, and blows, and stretches her neck, after her fortnight's journey; then as she drops into her berth, the crowds on ship and shore begin their noisy jests and salutations. Hearts are there heavy with anxiety, waiting for tidings it may be which will affect their entire future; but on that sea of upturned faces you find no lowering clouds; the rippling waves are wreathed in smiles, and the stronger surges break into hilarity and badinage. Some are there to meet their friends, others from curiosity; some have climbed from small boats up the side of the vessel while she was approaching the wharf; others stand on the tops of piers, and when the ship is within a few feet leap on to the deck, where there

is a scene of embracing, kissing, laughing, and crying, impossible to describe.

The passengers land and make their way to the hotels, when they luxuriate in a comfortable room, bath, and a table from which food once more seems palatable; clothes are taken from the trunk and put on, the creases in which mark the wearer as a new comer. Meanwhile lines begin to form at the post-office windows, although it may be twelve or twenty hours before the mails are ready for delivery. Thither congregate the anxiously expectant, the husband and father hungry for news from home, the lover with soft eyes and flushed cheek and tingling nerves, and in whose breast angels and imps alternately beat their tatoo as he waits to learn his fate; the rough miner, the merchant's clerk, the mechanic. Ah! never were letters so longed for or so prized. Alone in that motley crowd, for months without one word from home, the heart steeled to the world around them, deadened in that social Sahara, here was the only solace for heart-sickness, the only sustenance the soul would have perhaps for months to come.

Rapidly the lines lengthen, until perhaps five hundred persons are gathered there, having the appearance at a distance of a mob, but with the utmost order and regularity, each new-comer taking his place behind the last before him. There is no respect of persons, no crowding or jostling; any attempt at unfairness is speedily put down by the omnipotent majority. The ragamuffin, who everyone knew never wrote or received a letter in his life, might take his stand beside the millionaire, and sell his place as opportunity offered, when near the window, to some one whose time was more valuable than money, which he frequently did for five, or ten, or twenty dollars. Some bring their stools and while away the time reading, smoking, and chewing. Eastern papers are sold by the newsboys, peripatetic cafés and liquor saloons walk about on French legs, and hand-cart hotels are rolled along the

lines dispensing the ordinary edibles of the table. Finally, after long and tiresome waiting, the office window is opened and the line moves forward at the rate of a step in about three minutes.

Standing in those lines through hours that seem like ages, outwardly jocund, but inwardly bleeding, the cursings and ribald jests that fall upon the ear mingling discordantly with the purest strains of human affections awakened by tender thoughts and heart-longings, a rare opportunity offers us to see of what stuff these men are made. They are rough-looking fellows, most of them, even if our post-office be located in San Francisco. Many of them fossil-featured with bronze complexion, shaggy-haired and unshaven, have torn shirts and ragged pantaloons; while their heavy boots and slouched hats are so worn and full of holes as scarcely to hold together. Are they not what they seem? Does their aspect in any way belie them; or see we here men of sovereign and elastic natures so disguised that even their mothers would not know them?

Look into their eyes as you go along the line and tell me if you discovered much that you dare trifle with; look under the unkempt hair and tell me if you find no intellect, and through the worn vestures and tough, storm-beaten flesh-coverings down into the heart whence ebb and flow the issues of life and tell me if you see there no pleasing pictures, no gardens or palaces where truth and loveliness sit enshrined. If you would know somewhat of them, regard them attentively as they receive and read their letters; for he who can open a letter from the home he has not heard from for months without a flush or quickened pulse is either a very courageous or a very callous man. This letter-opening at very wide intervals is a sort of gambling with fate, in which hope not unfrequently stakes happiness against fearful odds.

On nearing the window the face lengthens and looks anxious. The name is given, and the response comes

"Nothing, sir." "Will you please look again says the disappointed applicant "I came round Cape Horn; they were to send me letters after I had been out a month and it is now six months since I have heard a word." "I told you, sir, there is nothing here for you; the next." This time a letter is forthcoming. Stepping aside, with trembling hand the recipient tears it open and begins to read. Mark the pallor that shortly overspreads the countenance, the stiffening of the muscles of the face, the compression of the livid lip, the wave of agony that mantles the features. In a moment the blood which from every part with one accord rushed to the heart to break it, returns, but you can see as the man moves off that he is stricken as with a knife-stab, without the muttered "Oh God, she is dead!" The next in line may be as frantic in his joy as the other was desolate in his sorrow. All unconscious of his surroundings, he laughs aloud, kisses the precious missive, and skips and dances like a delighted school girl.

There stands one, a man of middle age, noble looking and apparently of decided character, intently perusing some closely written pages. He was and yet is honored by his friends at the east, who say if one only escape with honor it is he. Of the church he was a trusted member, in his family an adored husband and father. So great was his own inward sense of strength and right intention that he scorned the idea of demeaning himself, and gave it scarcely a thought. But like every member of the race, he knew nothing of himself until he was tried. California opened his eyes, as thousands of others have been opened, and showed him a nature wholly different from what he supposed himself possessed of. Instead of high religious sentiments and moral purity hitherto enjoyed, he finds himself in the society of harlots, a gambler, an unbeliever. Yet as he reads that letter, written by a tender loving wife whose faith and trust in him the whole world shall not shake,

telling him of her deep abiding love, of her patient waitings and watchings, of her deeds by day and her dreams by night, of the hopes and plans that await his dear return; telling of his children one by one, how they have grown in goodness and loveliness, how the little one, whom he has never seen, has learned to lisp its father's name in its evening prayer—as he reads the letter which thus so vividly recalls the sweet and hallowed past, you may mark the twitching of the muscles in his face, the tears trickling down his cheeks, and the bosom swelling with emotion. Going to his room he reads and reads again the letter, vows reformation; but over this oasis of his desert life the sands quickly blow, and he soon goes on the old licentious way again.

Steamer-days, the day before the sailing of the steamer for the east, were the great tickings in social and commercial time. Bills were made to fall due on those days, letters must be written on that day, and collections and remittances made. Passengers must get ready, and if not done before, they must secure their tickets. They were feverish, fidgety days. From morning till night collection clerks with a package of bills in one hand, and the mouth of a canvas coin-bag slung over the shoulder in the other, were rushing about the streets, and seldom was the office lamp extinguished before twelve or two o'clock.

On the morning of the sailing of the steamer, all work having been finished the day or evening previous, passengers go on board, attended by their friends to see them off. The idle and the curious of every caste and calibre likewise crowd the wharf and decks for an hour or two before the departure. Trunks are taken on board; the passengers, laden with packages of fruit, books, bottles, and boxes, find their respective places. In the cabin, the black bottle is frequently passed around, and champagne made to flow freely. The forward part of the ship is filled with miners, going home with all the prestige of travel and adventure

in strange lands. It is a matter of pride with many to be seen by their friends in their mining costume; so the bushy head and long beard are protected with care, and every hole in the battered hat, every patch in the woollen shirt, every dirt-stain on the greasy pantaloons, are regarded with hallowed affection. Thus appearing in his native village, with hints suggestive of secreted gold-dust, and inuendoes which seemed to say, "I could tell you a thing or two if I liked," "Perhaps John Robinson came back without his pile, and perhaps he didn't," the returned Californian is the hero of the hour.

It was a common remark that more money went east in the steerage than in the cabin. Some carried buckskin bags of dust in their pockets, others in belts under their shirts, and guarded by an ominous-looking navy revolver. Experience had made many shy of entrusting their hard earnings to banks and express companies, and freight on gold was high. Sometimes a party of two or three would put their fortunes in a carpet-bag, ten or twenty thousand dollars' worth of gold-dust, alternately guarding it, and never leaving it unwatched for a single instant during the whole voyage from San Francisco to New York, thereby saving in exchange the price of passage for each of them. Notwithstanding all their care, many returning miners were robbed by professional sharpers, who infested all the main avenues of travel, and followed their vocation regularly on the steamers between Aspinwall and New York.

In the steerage also were many penniless persons, broken in health and spirits, going home to die. There were those, pusillanimous and disgusting individuals, eaten up of disease, already morally dead; there were self-pitying unfortunates, whining and complaining, whom success never attends under any circumstances, and who never should have left their mothers' apron-strings; and there were those who had manfully fought the battle and been beaten. Faithfully and

patiently these last had toiled and suffered, hope and fear alternating between fortune and disease, unwilling to give themselves the needed rest and care with wealth and happiness just within their grasp; and so, with their thin pale faces, and sunken eyes, and hollow cheeks, they feebly drag themselves about with hope crushed, and this world forever lost to them. God grant that they may find some soft hand and sympathizing heart to smooth their dying days!

The periodicity of this business phenomena contributed largely toward a fitful and spasmodic progress. On these occasions the past and future seemed to mingle with the present, and hope, regret, and dogged determination filled the heart with longings indescribable. Likewise the custom of merchants, and indeed of all classes, of making frequent or occasional trips to the east, for the purpose of seeing their friends, attending to business, marrying, or bringing out a family, exercised a strong influence upon the development of character in California. Even miners, in some instances, would make their periodical migrations, spending a season, as they called it, in the mines, and then a period of rest and pleasure at home.

Torn suddenly from the daily monotonous struggle, confined for twenty or thirty consecutive days within the narrow limits of a steamship, there was nothing to be done but to sit down and think, or read, or talk; and this meditation, or series of meditations, changed the whole course of many a life. Thoughts and aspirations then arose, which, but for this isolation from business, never would have been conceived; looking out upon the sea, time and eternity seemed to meet on the distant horizon, the windows of the soul were opened, and God and nature admitted to a closer communion; the ideal of manhood was elevated, a taste for travel and improvement was engendered, fancy was set free, the mind broadened, and the whole nature of the man enlarged under these beneficent influences.

Letters from home! blessed be letters! Though they come travel-stained from a voyage of seven thousand miles, across two oceans and a continent, they are as fresh with old associations, as fragrant with sweet reminiscences as if penned but yesterday. How like angels' visits they come at steamer intervals, and what a spell their presence casts, freighted as they are with love and kind greetings. Many a time have I sat at my table, far into the night, opening one after another from a pile of business correspondence before me, having first selected and placed unopened on one side, yet not so far away but that my hungry eye could rest on them, all that breathed of tender memories and pure affection, resolutely holding them there, the best for the last. There they lay filling the room as with a spiritual attendance, throwing their magic influence into every fibre of my being, and dimming with moisture the eyes that would not cease to look on them. Then with what tremulously sweet and bitter emotions I would take them up and breaking the seals, let into my fluttering heart the soothing stream of mellow memories, drank once more from the fountains of my youth, and bathed my weary soul in the sacred atmosphere of home. Sweet silent messages, whose witching presence can so wean our sordid vision from the seducing mirage of glittering dust!

An impecunious discouraged young man digging at Columbia, who had found his friends at home delinquent in writing to him, determined to bring a response if it lay in the power of ink and goose-quill. Accordingly he seated himself and wrote three or four old gossips asking the price of land, and stock, what advantageous investments offered, what a fine farm of two or three hundred acres could be purchased for—since which time during his stay in California there was not a mail but brought him letters.

The new post-office building, now in the autumn of 1852 fronting on the plaza, and extending from Clay

to Commercial streets, was then considered a grand affair. Colonel Moore was the postmaster. There was an entrance at both ends, and a passage from street to street. The French, the women, and the editors each had a part assigned exclusively to them. The general delivery extended the whole length of the building, but the lines formed on the arrival of the steamers led into and far up and down the street. Probably never a post-office received letters in such a variety of languages. It was found necessary to employ a Chinaman, and clerks who understood Russian, French, German, Spanish, and Italian, besides which there were letters from Sweden, Norway, Poland, the continents of Asia and Africa, and the islands of the Pacific. The average number of letters then received by the San Francisco post-office on the arrival of each steamer, was sixty thousand, and the average number sent away by each steamer, fifty thousand—leaving twice a month ten thousand unanswered letters, ten thousand heart-aching expectants perpetually doomed to disappointment.

The following, evidently from the pen of Mr Ewer, I find in the *Sunday Dispatch* of the 17th of August, 1851. "Another vestige gone. The old land-marks in San Francisco are fast passing away. The fires which have so frequently swept over our city have obliterated many, and the march of improvement is covering the rest, so that in a short time nothing will remain to show how San Francisco stood when the tide of immigration first began to flow upon her shores. The Old Adobe, the City Hotel, the Bee Hive, are among the things that were, while the Niantic and the Apollo—evidences of the enterprise of a later date—have disappeared, and in their places stand large warehouses built on solid earth. One of the last land-marks is now about being removed—the boat-stairs, at what used to be the extremity of Long Wharf. The steam paddy has deposited its sand all along the old wharf line, and the stairs are rapidly

being covered. Another week will put them out of sight.

"It is melancholy to see these old, well-known relics disappearing from our midst. How many a hopeful man has landed on those stairs, whose bones lie bleaching on the plains or in the ravines of the inhospitable Sierra! How many a sanguine youth, the joy and hope of a loving family, has bounded up them, buoyant with hopes never destined to be realized! Great hearts have passed those steps; honest hearts, big with determination to win a fortune in this golden land, not for themselves, but for those whom they loved better than life. Alas! many such are broken with grief ere this.

"We well remember the scenes which used to be enacted on those steps in olden times, at the arrival of the monthly steamer. The crowd of emigrants gazing in astonishment at everything they saw; the few females who did arrive shrinking in terror from the red-shirted men, bearded like pards, whom they saw around them; the eager and heated boatmen, pushing, tugging, and swearing, in order to get first to the steps; the news-venders, with their dollar *Heralds* and *Tribunes!* Ah! those were fine old times, after all.

"But think of the treasure which has gone down those steps! The millions and millions of dollars, when the steamers were about to leave! Rough, plain, and unfurnished as they were, none have ever borne one half the treasure which has passed down them unnoticed. They have been the funnel through which all the gold of California has been poured upon the world.

"A fairer morning never rose on earth. The clear blue sky hung above, and the pure atmosphere, through which the mountains twenty miles away could be traced to their every furrow, enveloped the city when she arrived, a girl of eighteen summers, as beautiful as the day itself, clad in her bridal robes.

She had been married that morning on the steamer, and buoyant with life, and hope, and gladness, she passed up those steps, followed by a train in which could be seen all the beauty and talent of the city. But those heartless old stairs never looked a whit the brighter for all the beauty and all the worth that trod them.

"Again: the rain came down in torrents; the night was of that pitchy darkness which is only known in climates such as this. The wind in gusts came slashing round the corners, driving the torrent like waves against the houses, when a man came crawling down those steps. He sat there for an hour. The rain poured down on his uncovered head, but he heeded it not; the wind tore open his ragged clothes, and wrestled with him, but he felt it not. With his face buried in his hands, he thought of the mother he had loved so tenderly, and the sister whom he had cherished; and of her, dearer far than either, to win whose hand he had first ventured to these shores. Were they happy? Were they even alive? He knew not, but he knew that he wanted bread, and had it not; and he knew that though those at home were poor, he could not reach them to rescue or suffer with them. The cold wind and the roaring rain beat on an hour more, and his seat was vacant! He had rushed into darkness, and the wave which closed over his head showed him no more pity than did those heartless old stairs which had witnessed the struggle of his soul!

"Let them go! Cover them up—pile on the sand! They have had too much to do with the misery of the world to be worth saving. What good has all the gold done which passed down them? Perhaps none. How many has it made happy? Perhaps not one. Pile on the sand!"

The winter of 1849–50 was very rainy, and the streets, devoid even of sidewalks, were in a horrible state. Mud and filth from six inches to six feet deep lay on all the principal thoroughfares, which one

might wade or swim according to depth and consistence. But by the winter following some of the more central streets were planked, and remembering their former abasement horses and drivers became frisky as the animals' feet clattered upon the firm thoroughfare, and there were loud complaints against street-racing. Not only equestrians dashed their horses up and down the crowded streets at unlawful speed, but the buggies, carriages, and even carts drove off at furious rates. It was a difficult country for either animals or men to keep quiet in.

Very different was the aspect presented by California street in 1853 from that of 1873 after the banks, insurance buildings, and Merchant's Exchange had been erected. At the former date the planked street was perforated with holes of various sizes and depths, some of dimensions sufficient to swallow a horse and cart, others aspiring to nothing larger than a man's leg. The occupants of the street, however, did not seem to take the matter much to heart. Many of the apertures were fenced in or covered and labelled. Over one was drawn a large picture, a caricature of the vicinity, representing the street with the surrounding buildings, and a horse and dray just disappearing through one of the openings, while another quietly stands by looking on. On the boards which guarded the way were placards and divers inscriptions, such as, "Head of navigation; no bottom." "Horse and dray lost; look out for the soundings." "Storage wanted; inquire below." "Squatters attention! Diver's ranch." "Office to let in the basement; William Diver, agent." "Good fishing for teal," and others of like import.

The winter of 1849 bore hard upon both merchants and gold-diggers. The season was very wet; the people were unfamiliar with the climate, and not well provided with shelter or clothing. There was the half-starved miner in his board house or cabin, the merchant shivering in his tent.

During the winter of 1852–3, the miners of the lower portion of the valley of California, then submerged, were driven into the cities. Most of them were destitute; others had a little bag of hard-earned gold-dust; men unaccustomed to the ways of large cities fell victims to the sleight-of-hand sharks of Long Wharf; being either inveigled under some pretext into a low den, and there robbed, or induced to bet on some sure thing, with the usual result of the dust changing hands The sad spectacle was then presented in San Francisco of hundreds of men and some women actually starving for food; men and women tenderly reared, honest, intelligent, educated, without money, without work, without friends; and too proud to let their necessities be known. Many an act of kind, unrecorded charity was then done by strangers as well as friends,—unrecorded here, but written of a surety in the angel's book of remembrance.

Strange how custom and tradition impregnate the blood and retain their hold upon their victims for generations after their death! The time was when a bull-fight was an imposing spectacle; when royalty graced the arena, and the proudest nobles and fairest daughters of Castile cheered the performers; when the *toros* were powerful and severe, the *picadores*, clad like knights with all the appurtenances of chivalry and mounted on mettlesome caparisoned steeds, were the most dashing horsemen the world could find; when the *banderilleros*, in their light close-fitting costume, assisted by the *chulos*, were the quickest and most agile of foot-fighters, and the *matador* with one thrust of his keen sword could stretch the foaming infuriated animal lifeless upon the ground. The carcass of this pastime was raised occasionally by its adherents after the advent of the gold-seekers, but there was little of the pristine sport about it, the effort usually proving sadly abortive, a mere burlesque upon the ancient custom. The unhappy bull, faint with

starvation and exhaustion, with tipped horns and terrified expression, was goaded into the arena, while brutal-looking tawdrily-attired horsemen on raw-boned Rosinantes, attended by ragged banderillos and chulos pricked courage with their steel weapons into the poor beast—which had all the sympathy of every human witness—and then clumsily butchered it.

Perambulating the streets of San Francisco on the 23d of May, 1850, was a tall, raw boned man, in black skin and black clothes. His wooly head was surmounted by a white beaver with a broad blue band, and in his hand he carried a bell which served to fill breathing spaces with its parenthetical ringings. His demeanor was as grave as Mark Antony's when he mourned over Cæsar's body; his voice was as rich, his gesticulation as effective, though his harangue was not untinctured with a vein of burlesque. A dramatic black man, in black clothes, with a white hat bound with blue, and carrying a bell; and these were his words:—"Look a-here, white folks, I'se a-gwine to gib you all fair notice dat de bull-fight what is a-gwine to be dis arternoon, ain't a-gwine to be till to-morrow at de same time, 'coz dey can't come it. Ting-a-ling-a-ling. 'Coz dey ain't got de bull by de horns. He ain't come to town yet, but is comin' fas' ever dey can fetch him along. So de bull-fight is a-gwine to come off to-morrow arternoon. Ting-a-ling-a-ling. An' arter dat a chicken fight. It's truth I'm a-tellin', gem'men. The bull what's agwine to fight 's one of de bulls what you read about. He's done been and killed nine men already, but he says he can't kill de tenf 'coz how he's too much for him. He's eight feet, am dis bull, an' jus' about sixteen feet long ef he knows hisself. His horns am done been jus' about six feet 'tween de tips, and de hair on his back am been grown up to de sky, an' de crows hab done gone an' made nests into it. An' I'm obliged to tell you dat de bull-fight is obliged to be postponded till to-morrow arternoon, when you mus' all come an' see

dis splendid bull, sartin shore; an' de chicken fight what's a-gwine to take place arter de bull-fight which am a-gwine to take place 'fore de chicken fight. Bof of 'em togeder has been obliged to be postponded till de next day, which am to-morrow arternoon in case it should be a fair day an' not rain."

The plank road to the Mission was the boulevard of 1852–3, the first established public drive and public promenade in San Francisco. Winding among the sand-hills from Mission or Howard streets, the road then boasted its four-horse omnibus line and its two toll gates. On every pleasant day, from morning till night, it was thronged with men of fashion and women of pleasure, idlers, loafers, gamblers, babies with their mammas or nurses, making their several displays in their vehicles of divers descriptions, each after the bent of his own wise or foolish fancy. Along the road were vegetable and flower gardens, and some little white cottages were soon seen here and there nestling among the sand-hills. Here San Francisco took the air; here was the resort at that time of San Francisco's best society.

Another great promenade of the city about this time, or a little later, was Stockton street from Washington street to Washington square. It was then but partially graded and planked, but on it were the handsome private residences and the principal churches. West of this the streets were for the most part in a state of nature, though many pretty cottages and some fine larger houses dotted the hillside. Dupont street, with its saloons and small shops, was a thronged and busy place. At night the gambling shops and stores were brilliantly lighted, and in the different saloons were women in great variety, Spanish, English, German, French, Kanaka, and Chinese. During the day it was the chief thoroughfare between the business portion of the town and the residences in the direction of North Beach. The custom house, city

hall, post-office, the more gorgeous saloons, with cigar shops, fancy stores, and livery stables, were on Kearny street, the street of loafers, litigants, lawyers, officials, politicians, the idle and the employed, and also the street of fast riding, which in those days was more common than now. Montgomery street from the beginning was the Wall street of San Francisco, the street of bankers, brokers, gold-dust buyers, jewellers, book-stores, and newspaper offices, with a free sprinkling of restaurants and drinking saloons. Below Montgomery street, on land reclaimed from the bay, were the large warehouses, wholesale stores, and auction houses. On Sansome street was the American theatre and several hotels. On Battery and Front streets were many brick buildings well stocked with goods. Davis street, built wholly on piles and the last opened, was the resort of seafaring men, and the shops mostly contained ships' supplies. To these and the intersecting streets from Jackson to California, with the exceptions of the Clark point and iron manufactories of Happy valley, the business of San Francisco was chiefly confined—a small area, truly, when we consider the astonishing amount of traffic carried on within these limits.

Wo is me for I am in trouble! was the one long continuous wail of San Francisco from birth till past babyhood. Born of disorder, corruption rankled in its blood. Colic and physic were its alternate companions during infancy, and oftimes the remedy was tenfold worse than the disease. Wealth untold was its heritage, but all of it was given, before she numbered six years as a city, for an enormous debt. This was her first trouble, vast property in her pueblo lands, and ravenous wolves to lap it up. Water in front and drifting sand-hills behind, the equalizing or grading of which was a trouble. Fires were a trouble, and streets, and debt; the hounds of '51 and the ballot-box stuffers of '56 were troubles. Yet withal the child grew and waxed fat.

Like a thunder-clap dropped on San Francisco the intelligence that Henry Meiggs had absconded. Honest Harry Meiggs! A defaulter, forger, swindler, impossible! A week ago he was the most popular man in California, his record was the cleanest, his reputation the most spotless. On Friday his failure for the sum of eight hundred thousand dollars was announced. On the Tuesday previous he had bought the bark *American*, furnished and provisioned her in princely style, and the same night sailed with his family for "ports in the Pacific." The journal of this, Sunday, morning, October 8, 1854, leads off with a long list of forged comptroller's warrants, together with others untold, aggregating half a million or a million of dollars.

John G. Meiggs, brother of honest Harry and newly elected comptroller, also sailed on the *American* for these veiled "ports in the Pacific." Why did he go away being likewise a popular and capable man and newly elected to office, unless it was that being cognizant of his brother's crimes he preferred flight to braving the disgrace? Besides the spurious warrants, merchants soon found their forged notes in circulation, and these could easily be traced to their source. Honest Harry must be the rogue! Then a thousand fingers pointed that way, bony, bloodless fingers, and plump, fat fingers, digits horny with hard labor, belonging to washerwomen, and working men, and the diamond digits of merchants, bankers, and frail fair ones. Few escaped the fangs of Harry, for he was clever, he was popular, and above all he was honest. So they, his victims, loved to call him Honest Harry Meiggs. Now the community cursed him. Congregating upon the street corners, men told their losses and swore if they could catch him they would hang him Even now in the opinion of Sweeny and Baugh the bark *American* is becalmed outside, only twenty miles southwestward off the heads, and Captain Alden with the steamer *Active*, is going to sweep the coast for sixty miles in both directions. Now

Harry, quickly and vehemently say your prayers so that hell may hear, for if the north wind fails you, you lose your head and the South American governments a great railway financier. Alas! the *Active* breaks down and the swindler escapes.

A magnificent audacity characterized all the transactions of this the prince of California swindlers, or as his victims put it, he "played it in fine on 'em." Thirty-three thousand dollars of Wm Neeley Thompson and Co's forged notes were endorsed by Henry Meiggs two and a half months prior to his departure. Stock of the California Lumber Company, of which he was president, was forged to a large amount—some said half a million. It was his custom invariably to give his forged paper as collaterals to moneyed men who would lock them up and make no attempt to realize on them; or he would deposit it in some bank, take a certificate to that effect, and obtain the money on the certificate. In this way his guilt was kept secret up to the last moment.

When the captain of the *American* was questioned why he was fitting up his boat so sumptuously and whither he was bound, he replied, that the vessel had been purchased by two wealthy gamblers, who intended a trip of pleasure and adventure on the Pacific, first to Puget Sound and then to Australia. In leaving the city with his family Meiggs took a carriage and said he was going to San Mateo; but stopping at Mission Point on the bay, he embarked in a small boat for his vessel, which was lying in the stream. No sooner was he fairly on board than the bark was towed out to sea, and hoisting all sail was soon out of sight. Before leaving he wrote a letter to Goddefroy, Sillem & Co., informing them of his intended departure from the country never to return. Owing them a large amount he left a confession of judgment in their favor for two hundred thousand dollars, under which they immediately attached a large amount of property. This letter and confession

were not delivered until the day after his departure, and the attachment that followed was the first intimation the public had of his failure.

That the arch criminal had confederates in the board of aldermen, of which he was shortly before a member, among the street contractors of whom he was special patron, and among those who aided his escape, there can be no doubt. That his scheme should so successfully have prospered in the face of so many chances against it, shows him to have been what his previous career in California and his subsequent manipulations of South American railway systems amply prove him, a matchless financier and manager. It was one of the most gigantic swindles successfully perpetrated the world has ever seen. What is stranger still the money which he carried away, united with his consummate skill, yielded him an immense fortune, and to this day he has never been brought to judgment. Having served an apprenticeship in the politics of San Francisco, he felt qualified to manipulate governments on a grander scale; and notwithstanding the blasted reputation which followed him, he acquired such an ascendency over the leading minds of Chile and Peru as to blind them to his faults, and build for himself a gigantic fortune and a world-wide fame.

As in all scoundrelism there was the utmost heartlessness displayed in his frauds. Rich and poor alike he plundered, and scrupled at nothing which should add to his ill-gotten gains. The exact amount carried away by him was never known—probably about six hundred thousand dollars. Many victimized never mentioned it. His failure and forgeries left him delinquent over two millions. The *American* was provisioned for a two years voyage, the bills for wine and fine stores amounting to over two thousand dollars. She was well armed, having on board four guns, two of them brass pieces, and was manned by a crew ready to do their master's bidding, so that if over-

taken the fugitives undoubtedly would have made a desperate resistance.

Yerba Buena cemetery could tell some strange tales if its dead could speak. Little dreamed the grave-diggers of those days that these dreary acres dotted with chaparral and sage-brush beneath, with here and there diminutive oaks and stunted laurel which hid the timid hare, while the howling coyote prowled not far off; that this uninviting wilderness should so soon be laid out in broad streets whose sides should be lined with beautiful residences, and that from the very spot where were then deposited the tired bones of the argonauts should so soon arise the magnificent city hall of this young, giant metropolis.

There was one solitary manzanita with blood-red stalk and ever-green leaves which looked as if it had strayed from some happy valley of the Coast Range, hidden from the rude blasts of ocean. It seemed out of place here, this bloody red and green shrub, midst the ghastly white of dead humanity. It was a sorrowful looking place, harboring the remains of sorrowful men.

It was in February 1850 that the ayuntamiento set aside there shifting sands for burial purposes. In 1857 an old fence enclosed the sacred ground, entrance to which was made through a dilapidated gate. The place was sadly neglected, the paths in places entirely obliterated, and the grove approached only by wading ankle deep in sand. There in a dismal pit, twenty-five by eighty feet, lay the bones of 800 pioneers, piled side by side, and one above another, a strange medley, and whose flitting ghosts could each tell its own strange story.

Beside this mammoth sepulchre was the bone-bleaching ground of the Celestials, where the disinterred bodies of dead Chinamen were whitened and dried by the bonfire made of their own redwood coffins. When properly cured, these precious relics were carefully packed in strong boxes, and shipped to the angel-

visiting land of Fohi. Poor, indeed, and most unhappy, he who hitherward from the Flowery Kingdom wandered, never to return. Unlucky shades of homeless bones! And yet there are such lying here. Long rows of significantly shaped sand heaps mark the resting-place of moneyless bones. Some have a board with characters scrawled on it for a tombstone, but the greater part of these graves are nameless.

With lumber at eight hundred dollars a thousand feet, buildings and bunks were made of dry-goods boxes, or cloth, though finally boards and shingles prevailed. By and by they undertook to grade the town, infelicitous to all but street contractors, for this left some houses all cellar; others were perched upon foggy cliff, inaccessible except by scaling ladders; others looked as if their construction had been begun with the roof, and built from the top downward, lower stories being added as the dirt was taken away. At the door might sometimes be seen stationed a tub of water and a broom, with which before entering the visitor might wash off his big boots, into which his pants were tucked.

It was all for home—anything for a home. The semblance even was heaven after so long and barren homelessness. It is hard to overrate the influence of home. If we made it, it is part of ourselves, with the seal of ourselves set upon it. If we grew up in it, then we are part of it, and carry with us through life in our reflections, carriage, and conduct its good or bad influences. The landscape gives expression to our faces, the music of the streams attunes our childish hearts, our native air inspires our thoughts.

Homes are more open than in other countries, less private, but none the less sacred. There are few men or women so exclusive as not to be easily approached by strangers with any sort of credentials. Prying into each other's affairs, meddling, gossiping, discussing the private relations of neighbors and friends, are not prominent vices. Scandal served up with appe-

tizing minuteness in the morning paper does not mak breakfast the less palatable, and the exposure of private life in the public prints does not lessen the circulation of a journal.

How many in all this bustling city could pray the prayer of Socrates, but would not rather write him down a ragged, bare-footed, old heathen, and an ass? "O, beloved Pan, and all ye gods whose dwelling is in this place, grant me to be beautiful in soul, and all that I possess of outward things to be at peace with them within. Teach me to think wisdom the only riches. And give me so much wealth, and so much only, as a good and holy man could manage or enjoy."

San Francisco climate, like the people, is exceedingly mixed, very good and very bad; treacherous, contradictory, and yet most reliable; hot and cold, and yet neither hot nor cold; dry, yet always damp, raining, but not wet—clothing at one time on the street, lace shawl and furs, overcoat and duster, and one as appropriate as another. "Four seasons in one day; blarst such a country!" exclaimed a tragic Faust as he threw up his engagement and hurried out of town.

Often in the kitchen there were storms; as when Alice, who was a good cook, and had a bit of temper withal, had her wages gradually reduced from $250 to $100 a month, flew into a rage, and marched herself off, saying she would not live in such a place.

How different from all this is the picture of to-day! Gradually from Yerba Buena cove the city of our father Saint Francis has spread out, first northward over the hills and into the valleys beyond, far away to the Golden Gate, then southward for miles, encompassing the old Mission Dolores and far beyond, while westward and on the hill tops broad avenues lined with palaces and gardens invite the weary money-makers to repose. Grand hotels, and mercantile and manufacturing establishments, stand along the busy

thoroughfares, while churches, cathedrals, and public buildings rise from the dense mass of lesser structures. Elegant equipages with their fair freight roll over the paved streets, and out through the park to the ocean beach; while street rail-cars, with scores of miles of iron track reaching far out into every suburb, carry the less pretentious population to and from their homes.

CHAPTER XII.

SOCIETY.

mens mutatione recreabitur: sicut in cibis, quorum diversitate reficitur stomachus, et pluribus minore fastidio alitur.

—*Quintilian.*

THE California year of 1849; what was it? An exclamation point in the history of civilization; a dash in the annals of time. This twelve-month was not so much a year as an age, not so much an episode as an era. Heart throbs, they say, rather than time tell the age of man; here then was a century of heart throbs; we could as well drop out of history a hundred of other years, as this one most notable year. Other years have been repeated, and will be many times; this one, never. Throughout the records of the race, from first to last, there will never be reproduced on this planet the California flush-times drama. It stands out in the experiences of men unique and individual, each swift day of it equal to many another year.

How vain, then, the attempt to portray this fleeting hour! Dreaming will not achieve it, nor romancing; it is neither caricature, nor burlesque, nor extravaganza. These lead the mind further from the truth. Neither will the bald facts, though plainly and fairly stated, give a perfect idea of the time; there was present much besides plain facts; there were facts running riot, and the wildest fancy turned into facts—a pandemonium of romance and reality. There were here fifty thousand active and intelligent young workers, whose experiences fully written for that year

would fill fifty thousand volumes, each as large as this. And then the subject would not be fully presented, unless into each of these fifty thousand volumes the breath of inspiration might place true and living soul; for the winds of California were redolent of soul, and every morning's sun kindled new fires of energy that went not out at night. The 1849 of California, of America, of the world! It was the pivot on which the frame-work of human progress turned a fresh side to the sun, a side breeding maggots hitherto, but now a new and nobler race of men.

Since the days of Adam, whose eyes were opened to behold himself by his maker, there never has been a mirror held up before man which so reflected him in his true light, stripped of all the shams and conventionalities of staid societies. Leaving in their old homes every restraint, every influence that bound them to ancient forms and traditions, the latter-day argonauts entered the mines with name and identity sunk. They were no longer their former selves; they were born and baptized anew. Hence arose a social organism at once complex and peculiar, whose growth is at every turn a new development.

In dress the people of California were as independent and original as in everything else. Free thought and free habits pervaded the whole domain of society. Even those who dressed genteelly declined slavery to fashion. They claimed the privilege of exercising taste in preference to bowing before French law. Hence it was that the streets of San Francisco presented every variety of style in dress the world had seen for the last quarter of a century.

An English writer speaks of "some forlorn individual exhibiting himself in a black coat and a stovepipe hat, looking like a bird of evil omen among a flock of such gay plumage." But the ancient miner of early days prided himself to the last in his rags and patches, in his torn hat and boots awry, and open-breasted woollen shirt with up-rolled sleeves, display-

ing the tawny hairy skin and swollen muscles—which was, indeed, but another species of foppery. This rejoicing in their rags was like Antisthenes, through the holes of whose clothes Socrates saw rank pride peering. In the cities, the several nationalities retained their peculiar style of dress, so that on the streets of San Francisco were to be seen the silver-buttoned trousers, leather leggings, and bright-colored serape of the Mexican, the shooting-coat dress of the Englishman, the corduroys of the Irishman, the black of the New Englander, and the Paris fashions of Frenchmen, New Yorkers, and southerners. Every one could wear what he pleased, and no costume, however *bizarre*, appeared to attract much attention.

Indeed, while there is so much in dress which speaks the character of the wearer, during this most important and solemn struggle there were other things to absorb the mind. For here for a time the battle of good and evil rages fiercely, and before it is fairly over, as, indeed, it never is, many will find themselves weather-bound, destined never to gather the fruits of their toil, destined never to leave these accursed shores, but forced by fate to toil on to the end, till death relieves them. Like the dart of Abaris, their new vocation renders their past invisible, while their future henceforth is destined to be filled with those accidental colors which depend on the state of the eye rather than on the hue of the object. It will be a paradise or a penitentiary, as success or failure is encountered. Giving thus all for gold, they are like zealous missionaries giving all for Christ, many of them dropping or losing their names, so that their most intimate companions shall not know them.

The Connecticut Sunday law forbade travel and work except in cases of necessity or mercy, and in early times there were few such cases. Massachusetts laid a penalty of ten dollars on every one who travelled on Sunday, except from necessity or charity. The laws of Vermont permitted the maple sugar makers

to set tubs anew on Sunday in case of an extraordinary run of sap. In California there was much necessity, much mercy, and sap was always running.

Sunday, if possible, was chosen for public affairs, for arrests, trials, and executions, as there would be demonstrated greater public interest on that day. The maxim, Dies Dominicus non juridicus, had little weight with them. So far as mining-town morality was concerned, Sunday was a day for anything but work. Recreations of any kind were admissible, and shirt-washing, bread-making, gambling, drinking, horse-racing, fighting, and hanging, all came under this category.

There was here a complete return to primitive ideas regarding Sunday. Like Christmas, the Sunday of the pioneer Christians was a day of rejoicing. In Tertullian's time, the word Sabbatum marked the seventh, not the first, day of the week, and to fast on that day was deemed sinful. Indeed, if we may believe Justin Martyr, there were Christians who, like our miners, considered it criminal to keep the sabbath.

During this epoch of abnormities, when a chaos of heterogeneous elements was under fermentation which brought to the surface the best and the basest qualities of human nature, many untried experiments must be wrought, many problems solved which never before had come within the range of social ethics. There must be a re-adaptation of individuals and communities to new environments. Strange remedies must be applied for strange evils; new resources must be developed, new benefits seized and utilized. The epoch stands out on the canvas of history in ever deepening colors; and only in ages to come, when the knowledge of human actions and divine laws shall be brought into nearer relationship, shall its true import be understood. It was an original melodrama, born of the time; but under Thalia's laughing mask were hidden the club and steel of tragedy. The world had had its romance of religion, of chivalry, of the

ideal; but here was its first great romance of utilitarianism. This was no island of Ægina to be peopled by transforming ants into men; but here men were to be made monarchs; mind was to be emancipated, and thought left to its unfoldings, such as never had yet been done under the sun. Here, martyrs and heroes, unsainted and unsung, amidst strugglings and sufferings, were to achieve glorious things for the race.

Digging in the dirt, selling rum, tobacco, flour, and bacon, hammering out mining machinery, assaying gold and the like, seem dull and prosaic occupations enough when compared with the tilts and tournaments of knight-errantry, the pious enthusiasm of crusaders, and the thrilling deeds on the battle-fields; nevertheless the poetry and romance are here for all who prefer reality to fantasy. Here, weather-beaten and bearded diggers are unearthing primeval treasures which shall revolutionize commerce and society; they are bringing to light brilliant gold wherewith to buy happiness; and these ministering towns and cities which spring up on every side as if by magic, are the marts of their servitors who feed and clothe their occupants. Gold-getting, however, is not an end but a means; it is only an incentive or impulse in the great plan of progress. The romance of it is found in the strange developments, the wonderful events, the grand display of that force which brings order out of chaos, and places under subjection to the whole, tempers oppugnant and apparently ungovernable, with the least personal restraint possible.

By the prudish and pharisaical this anomalous life and society may be regarded with abhorrence; by the social philosopher and lover of the race, it will be studied as one of the most interesting and instructive pages of history. In older societies impurities sink to the bottom or gather in slimy corners; but when the stream of progress, in an ungovernable torrent, forced a new channel westward, filth and purity were stirred up together, and its waters became thick with passion

and prejudice; hence never before have we had such an opportunity of watching the phenomena of separation and purification as here presents itself. Neither British Columbia nor Australia at all compare with California in this respect, for here, from the beginning, there was always the wildest latitude allowed to human action, consistent with self-preservation, while in the British colonies gold-seekers, from the first, were under an established rule.

In California, the only government and the only recognition of crime was such as grew out of necessity. There was never any parental restraint or guidance, there was no period of formation or childhood; from a scattered assemblage of diversified tongues and colors the population at once assumed state prerogatives; and being ill-understood by any not on the spot, and far removed from eastern influence, the people were left to do very much as they pleased.

On arriving in California, the new-comer soon found himself enlisted in the ranks of one of two classes, the hopeful or the despondent. If of the former, he was soon seized with the intoxication of his new surroundings, and joined the business orgie. Confident and daring, he at once went to work at something,—anything, whatever first offered itself, and continued in energetic industry until success in a greater or less degree was achieved. Often he would fall, and as often rise again. There was no such thing as remaining down, no thought of yielding. His grasp on fortune was firm and constant, and although the slippery jade might sometimes twist herself almost from his grasp, he never would entirely lose his hold, for this once lost, all was lost. This dogged determination, hope in the future, belief in the times, and confidence in himself were a fortune. Should he join the ranks of the latter class, he was forced to abandon all his bright hopes, and turn himself over to despair. Every thing he saw was dark and gloomy. A man of conscience in society and business, the glorious drunken-

ness of the times was denied him. The rains of winter dampened his anticipations and drowned his energies; the cold, coast winds cut into his vitals, and the hot, summer sun of the valleys withered his hopes, and left him despondent and nerveless. With heart sunk within him, every blow he struck was echoed by his rattling bones Disgusted with himself and all the world, and heaping curses on the country, he returned home, if he could get there, covered with shame, or eked out a broken-hearted existence in the land he so heartily hated.

The very qualities most conducive to prosperity in older communities were to some extent out of place here; men thrived on what elsewhere would prove their destruction. Old maxims were as useless as broken crockery. True, among the shrewder spirits there was a method in their madness, and sometimes seemingly rash and headlong speculation was the result of well-laid schemes. There were times when a general advance in prices rose into a mania, and then whatever a man bought, real estate or merchandise, was sure to yield him a profit a week, or a day, or an hour afterward. All this seemed to one newly arrived a bedlam of insane speculation, and speedy convulsion was predicted.

At first there were no fixed customs in the country to which every comer must in a greater or less degree adapt himself. Every man's conduct was regulated by his own tastes rather than by preëstablished rules of society. Fashion never found more indifferent votaries. But the romance and irksomeness of this kind of life gradually wore away; woman came to the rescue, and the proprieties, suavity of manners, and staid customs of older societies came into general observance. Society separated into strata; something like caste appeared, and the components of the community became more and more individualized.

Most of those who came hither were in the maturity of manhood, with more or less skill and experience

in their several vocations. This skill and experience, by means of which society is influenced, were acquired under different systems of education and discipline; and in the adaptation of these experiences, one to another, and all to a general whole, theory and speculation were in a measure thrown aside, and men became eminently practical. All must discard something of that just pride for the ancient and local customs of their fathers under which their progress had been attained thus far. This it was difficult at once to do. The way in which we are accustomed to do a thing we cannot but feel to be the best way, and we see no reason why we should throw it aside for another which will bring about results less easily. Nor need we, except in some instances, when we must perforce adapt ourselves to general customs. And by this discarding of habits formed on a framework of technical philosophy alone, and seizing upon actualities as they exist, irrespective of their origin, the grandest results are attained.

Until a late day we lacked home and the home feeling in California. We began by staying here a little while, and we have remained longer than we intended. We lack the associations running back for generations, the old homestead, the grandfather, and grandmother, and uncles, and aunts, and cousins. There is nothing around us hallowed by an indistinct past. There is nothing older than ourselves; all that we see has grown up under our eyes, and for these creatures of our own creation we have no reverence. We are not yet settled, we are constantly moving to and fro like restless spirits, living in hotels and boarding houses; or if we have a home we want to sell it and go into the country, or to Europe. It is so much trouble keeping house, with these Chinamen for chambermaids!

The average intelligence of any nation in christendom, not even excepting the great American people, is greatly overrated; particularly when it comes to

mankind acting in the mass, coöperatively, as a sect, order, or legislative body. The noise and bustle of some excite others; as an old broken down cart-horse, driven into a band of wild, frolicsome horses, becomes fractious and unmanageable. Business breeds business, and caution engenders caution. He who croaks and hoards, lying in wait for opportunities to get something for nothing, incites others to croak and hoard and lie in wait; and so stagnation follows. A man who cheerfully, and with hope in his heart, goes to work, develops the resources of his country, buys and sells and builds, will incite like activity in others, and development and property must follow. Deliberation and caution are well enough in their place, and not to be overlooked at any time, but a good driver does not put on the brakes going up hill.

It is true that the people of California are very greatly absorbed in making money. And this is as it should be, for what is money-making but development and progress? Culture and refinement always follow material prosperity, they never precede it. We have here lands to be put under contribution, mines to be opened, railroads and cities to be built; would it be accounted to us as wise to sit down to play when we have made no provision for our dinner? First provide for the material man, else the mental will fare poorly enough. But, say our friends at the east, "You have made money enough; it is time you should turn your attention to something better than money, if ever you intend doing so." Very true, but railway trains are not stopped at full speed; cart horses do not usually make the best racers, and ships built for the water do not sail well in the air. Money-makers are simply machines, as are philosophers and scholars; take one to pieces and remodel it, and the working of it afterward is very doubtful. I see no other way but to give the country time. The next generation will beget new inventions, experiences thus brought together propagate. Hence

it is that we are more fully up to the times in everything, much more, all things put together, than almost any other community.

It is easy to understand how men and women thus thrown together, strangers to each other, strangers in ideas, speech, and traditions, without the substratum, as a social foundation, which only can coalesce as society slowly develops, fail to have that interest in each other and that intense loyalty which characterizes older and more settled communities. Society here is a malformation, or rather it is yet not society, but only materials for society; yet nowhere will the people quicker or more heartily unite for the public good; nowhere are they more free and social than here; nowhere is there less clap-trap and ridiculous apings of things traditional than here.

Strangers coming together cannot immediately embrace and become brothers. They have too little in common, see too many faults in each other; will not mellow on the instant asperities of character. The seeds of lasting friendship are usually planted in early life, and matured in a soil of warm and tender sympathy, in order to produce a plant which will endure the storms of selfishness that beat upon it in after life. Once the social heart of California lay so imbedded in gold that it could not throb. The passions were let loose, and a moral leprosy infected the people like an epidemic. But all this passed away, as every epidemic passes, after having weeded society of some of its weaknesses, and left it in fair condition for permanent growth.

To the great majority of the pioneers the Sierra was a sphinx propounding a riddle, which they must answer. Thousands laid down their lives in the attempt, for there were the lion's claws to tear the unsuccessful venturer in pieces. Of rare celestial beauty was the face and bosom of the goddess as she lured men to their destruction; of dark ferocity was she as she lapped them to their final doom.

Very hard were the times in the mountains now and then; times when no one could pay his butcher bill, when the miner had not money enough to roll tenpins; yet, there was little complaining. The merchant considered it useless to sue for his account, for even if he could collect it, he knew he would incur enough of unpopularity to make the loss many times greater, and perhaps get a sound thrashing some night when the boys were deep in their cups and with plenty of money. Society at this time was far too unselfish for its own good, or for the good of the world.

An aristocracy, in the common acceptation of the term, never has found place in California. Vain and silly women have attempted cliques, have drawn round themselves lines of exclusiveness, and essayed the leadership of fashion; but all such efforts have had little interest to any except the aspirants themselves, usually involving them in contempt and ridicule. Likewise there have not been wanting those, who, jealous of the pretensions of the ambitious in this direction, have by their envious scoffings betrayed a desire for the position which they pretended to despise. With no provincial court, with the officers of government not the most admirable characters in the community, with no fixed military or naval system, with agents of the general government too poorly paid to make much display, with but a small literary class, with the entire community intent chiefly on money-getting, and holding in contempt all forms save the forms of debit and credit, there was here not the first element on which to base an aristocracy, either of money or mind. Wealth was worshipped, and success, and that keenness of intellect which could acquire wealth; but the possessor was as frequently despised, and his quondam washer-woman wife snubbed by her less pretentious sisters. Early society here was an aggregation of strangers in which lucky strokes of fortune dazzled

the eyes of competitors, and unostentatious merit passed unnoticed; great men, if success can be called greatness, were too near their beginning to inspire that respect necessary to the formation of an aristocracy in social circles. There were here no old families whose merit, wealth, or respectability had long held their neighbors in esteem, though there were the beginnings of many such.

Woman played her part in early California annals, her influence being abnormal as much by reason of its absence as its presence. For the absence of women had a strange effect upon the men, although they themselves were scarcely aware of it. Religion they could do well enough without, while dwelling for a time in this wilderness, but that their life should be limited to a community of men was indeed a new experience. It was like a void in nature, something dropped out of their existence.

After all, which condition was the harder: her's whose smile dissembled the sinking heart on parting; her's whose brave words belied the glistening tear that hung trembling on the drooping eyelid; hers whose lot it was, all through the cold winter with him away, to fight the hunger-wolf that prowled about the door, and keep her little ones from freezing, or his who abandons all for the hope of getting gold?

There is but one thing this side of heaven lovelier than the form and face of woman, and that is her heart-bloom. Fed by the veiled virtues, the poetic courtesies, the delicate influences and affections, with all the tender sacrifices locked within, it fills the atmosphere with its fragrance, redeems man from himself, and makes a paradise of what were otherwise a barren waste. A thing in some form desired by all men, she whose heart beats true to the coming and going of her friends; she whose brain was all ablaze with ten thousand tender fantasies; she through whose eyes one sees her heaven-lit soul; she whose deft

fingers are as dancing points of thought; she whose feet upon the sward are lighter than the soft south wind; she whose voice is angels' music singing whence she came; she whose charms are crowned by goodness and sweet, gentle sympathy; such is gentle, virtuous woman.

Spaniards who had wives in Spain were forbidden by King Ferdinand to reside in any of the colonies; they must go after them. There were no King Ferdinands to make the men of California bring out their wives. At first wives were few, but houris in abundance came from the uttermost parts of the earth, whose beauty and virginity, like the black-eyed damsels of paradise, were, in the eyes of the soiled and solitary Californians, renewable at pleasure. Of these, as the Koran tells of the houris in paradise, each woman-worshipper, if he possessed sufficient gold-dust, might have seventy-two. So that for women, the mines became like Torquemada's fabulous Lizard islands, a retreat for outcast damsels of every species.

In the cities, particularly, and sometimes in the mines, there were not lacking Aspasias of the superior type, refined and cultivated women whom sinuous circumstances had driven from the garden of chastity, and whose intellectual attractions were surpassed only by their personal charms. When, however, the young men began to think of making this country their home, they longed for home comforts and happiness, chief among which was a wife. Whereupon they, some of them, marry and are soon led to thank God for the blessing of no children.

How often when death's tidings came of a loved one gone, father, mother, wife, or child, has the solitary mourner withdrawn from his boisterous companions, retired to the woods or to the hill-side, and there held his lonely funeral. The hope of his life, perhaps, his morning and evening star, that for which he had come hither, the main-spring and motive of all his toil, suddenly destroyed. Oh! God, is it necessary

thus to torment? Might not omnipotence have devised some scheme less cruel than that which must needs send up one universal wail from the beginning to the end of time, wailing births followed by wailing deaths, as though spirit and flesh had been united only to be torn asunder, as though sentient beings had been created only for the amusement of fate? What is this one lesson nature teaches us? Short, swift, and damnable. Throughout the ages the strong shall eat up the weak, and death shall swallow all. Foolish are we, to propagate our kind that they may be made the sport of the present, with the certainty of a final ghastly issue.

Now the heathen for their gods do not have that love and respect. Love, or what was called love in Homeric heroes, in the minds of Augustan critics, and in mediæval religious devotees was but a weakness. Among warriors, the tender sentiment implied effieminacy, and too often piety pleaded the will of heaven as an excuse for treachery to woman. And what did the gods themselves know about love? Their love was all sensuality. Jupiter put Cupid in the stocks because the mischievous imp would not make the women love him for himself alone, but must first turn him into bull, satyr, swan, or other form before his presence should inspire the tender passion. They would call it hate, not love, that prompted the idea of eternal burning.

There are in every city other fifty wives besides the fifty daughters of Danaus, king of Argos, who kill their husbands, if not in a single night, then in a time made yet more cruel by its prolonged length.

Intolerant of restraint as the wild votaries of Bellona, or of Anubis, of Osiris, or of Cybele, like the Romans of Juvenal's day, one common quality of reckless disregard of consequences pervaded the whim of the hour. Amorous widow-hunters of the Colonel Chartres or duke of Roussillon type, preëminent in their superfluity of naughtiness, met with fair success.

Dr Brewer in his *Dictionary of Phrase and Fable*, says that frequently he who went to dig gold in California, put to board in some neighbor's family his wife and children, or, as it was sometimes termed, turned them out to grass—hence grass-widow. This definition is far-fetched. Originally the term signified an unmarried mother; later, a wife separated from her husband.

Just how far the absence of woman affected society it is difficult to determine. With her men are fools; without her devils. Man may be made better or worse by woman according to her quality. As a modest maiden and a true and loving wife, she is the fairest handiwork of the creator; as a splenetic moody demirep, she is the aptest instrument of the devil. As Dante, probably with his own termagant wife in view, groans "La fiera moglie più ch'altro, mi nuoce." With the purity of her heart she may make all things pure; under the counterfeits of love she may seduce by her charms, and doom to death by her affection. Within a limited sphere every woman has a Pandora's box which she may open if she chooses. Physically weaker than man, morally woman is greatly his superior. She is his superior as well in the emotional part of her nature as in her finer sense of duty; she is more self-sacrificing, has greater sensibility, is naturally more chaste, more tender, more compassionate, more forgiving; she excels in all passive virtues, but in intellect, ethics, in courage, in the activities of life she falls behind her ruder companion.

Women feel rather than think; they are governed by impulse rather than by opinion. In an evenly balanced community they are less tempted than men, and therefore less given to criminality; but once fairly embarked in excesses, and they outstrip the most vicious men. The partner of man in his low estate as well as in his right living, woman cannot lift herself much above the moral atmosphere which he makes for her. Hence it is that had it been possible

for women to have followed the gold-seekers of 1849, and to have endured the hardships of the California flush times, it is probable that as a whole, and to a certain extent, they would have fallen into excesses themselves, instead of withholding their companions entirely from them. The patience, modesty, and gentleness of the better sort would have greatly assisted the sobriety and magnanimity of the men, but the frivolity and jealousy of the more graceless would have increased their intemperance and brutality. Much would have depended on the view taken of the question by the women; had they been there, and had they been as ready to sacrifice all for gold; had they been as ambitious, as avaricious, and as untrammelled by society as were the men; the intensity of the orgies would have been increased ten-fold. Haply she was never called to undergo the ordeal. Before her appearance on the scene the ebullition had materially subsided, and gold-diggers began to think seriously of becoming settlers, and of making this country their home. The first females to come—and these were early enough upon the ground—were the vicious and unchaste, who opened and presided at brilliant saloons and houses of ill-fame, and sat by the gambler and assisted him in raking in his gains and paying his losses. Flaunting in their gay attire they were civilly treated by the men, few of whom, even of the most respectable and sedate, disdained to visit their houses. On the steamers coming out, the frail, fair one was often shown all the delicate considerations due to the fine lady of immaculate morals; the officers of the ship were always at her command, and if a favorite of the captain she was assigned a seat at his table. On her arrival, merchants and judges were among her associates. There was little social caste or moral quality in those days. In the absence of the true the imitation was made to answer. And so men went wild over the shadow as they were doing in other things; the folds of female drapery

were worshipped, whether they held a woman or a skeleton. Later, families were brought out, virtue and domestic honor gained the ascendancy, and indecency slunk away and hid itself. Then the maiden and spinster at the east were seized with a desire to visit their aunt or sister and see California. Much to their surprise, most of them found husbands shortly after their arrival, never dreaming of such a possibility. Enterprising young men advertised for wives; but the demand being so much greater than the supply, this method was not the most successful. Frequently, however, through the medium of a common friend, likenesses of a very puny man in California and a sorrowing damsel at the east would be exchanged, letters would follow, and then the wooer would send on the passage-money, and the blushing fair one hasten over the sea to her adorer. Old sweethearts often came out to their lovers, who met and married them on the steamer deck.

It needs nothing further to prove the influence of pure woman on those destined to receive happiness at her hand than to notice the behavior of one who is expecting a wife or sweetheart. Some time before the steamer is due, the greasy hat and checked shirt are thrown aside, and whitewashed of his past, with clean linen and shaven chin, the happy expectant is suddenly seized with a desire to attend church. He manifests, perhaps, a deep interest in the Sunday-school, and wishes to become a teacher; he sighs over the desecrations of the sabbath, and the moral depravity of the country. As the hour for the steamer to arrive draws near, he becomes nervous, business seems irksome, he looks in the glass, pulls out a gray hair or two, brushes his new clothes, and walks up to the top of Telegraph hill, and then around to the Merchants' Exchange. Finally the steamer is telegraphed; he rushes down to the wharf, piously curses the general slowness of things, springs on board before the plank is put out, elbows his way through the crowd, finds her, and clasps

her to his regenerate heart. *Gaudet tentamine virtus!*

The men were relatively superior to the women. As a rule, the better class of men came to California, and a more ordinary class of women. The trip to this country was tedious, disgusting to a sensitive, delicate woman; there was no society here, no household convenience. It was a very hard place for a woman. The finer specimens of womanhood could find husbands at home; there was no necessity for them to undergo the horrors of a sea voyage to California, and its society afterward. Nevertheless, multitudes of noble and true women did come; but it must be admitted that woman here in early times was not the intelligent, refined, and sensible being that is found in older and more settled communities. In California good husbands regularly once a week rolled up their sleeves, and helped wife or daughter at the wash-tub.

To live in purity, woman must have the sympathy of those around her; thousands in California have fallen simply from the fact that men had no faith in them. Othello played before a Californian audience in those days would have appealed to sentiments strange to the hearts of many of the hearers.

Now and then ships from France and elsewhere would enter the port, with companies of respectable girls on board, who would be immediately caught up by gamblers and saloon-keepers, to assist at the table or dispense drinks, at two hundred and fifty dollars a month; but alas, within a week or two, despite the vigilance of the proprietor, they would be mated!

Thus we see that there were true women and there were false women among those the gold-seekers left behind. California widows they were called, and they were to be found in every rural town, every hotel, boarding-house, and watering place. Faithful, modest wives and mothers some of them were, patiently waiting the end of this sudden and strange family disruption. Round them were mouths to feed and no remittance came; yet never doubting, the heart-en-

shrined image was crowned with fidelity and noble purpose. And thus, through years of anxious toil they held to their hopes, dreaming at night horrible dreams of staring gold-diggings up to their neck in glittering mud, their heads wreathed in rattlesnakes, gnawed by wolves, or cut off for foot-balls by the savages, all the while not knowing whether their husbands were alive or not. Their existence they knew to be a living death, yet they worked away, sewing for the tailor, making shirts, giving lessons to the neighbors' children, or even working out.

There were others, however, who took a more free and fanciful view of their situation, and determined to enjoy and make the best of it. These lived on the charity of their family or friends. It was unsafe to treat them with coldness or neglect, for any moment their husband might return a millionaire. Young and beautiful and abandoned! True, temporarily and for her own benefit abandoned; but why should he think more of gold than of her? The first taste of wedlock was sweet; by it, however, the appetite was only whetted, not gratified. Former and unsuccessful lovers were now remembered and smiled upon, and flirtation was found a pleasing way to shorten the hours of a husband's absence. Some returned in time to reclaim their wives from too free a course of dissipation; others did not.

Du Hailly refers to the English custom of sending young women out to India to get married there, and says that this custom finds its counterpart in California in a curious prospectus in which an American woman, Mrs Farnham, offered to organize, on a large scale, a scheme for the emigration of women to San Francisco. The highest respectability was required, and no emigrant was admitted under twenty-five years of age. A ship was chartered especially for their use, and each must have 1200 francs. Small as was the amount required, the enterprise was not a success; but this did not hinder the Californian colonization agents

from continuing to solicit in their publications the fair sex to come. "What does it matter about money," they said, "that is the last consideration of a gentleman among us." "The young person who loves the world and its pleasures," says one of them, "will find here partners ready to procure her every enjoyment; while she who is inclined to domestic comfort will meet quiet and steady men whose doors will open to welcome her."

Of the wrecked hopes of men in California many speak; of the wasted sympathy of woman, of her vain yearning for the promised tenderness, of her faith among the faithless, her constancy after all affection had been withdrawn from her, her deep sorrows and sufferings as the reward of a devoted life—none at all. What are the blows of battle to him who engages in the conflict in comparison to the helpless agony of an eye-witness? All things will a man give for his life. Woman gives all for love; deny her this and she is dead indeed. A catalogue of Californian infidelities, broken vows, brutal treatment, failure to provide on the part of him who took from a happy home a tender loving heart under promise of eternal love and protection, would make one blush for the race. Men came hither to rough it, and it did them no harm, but added to their manliness. For woman, a life in California in early times was probably one of the most trying positions she could be called upon to endure, her love, her pride, her health, and strength, her honor and religion, all being brought under the crucial test. If she could drudge by day, and withstand discomforts by night, and live under it, she could manage to get along; but with want and unkindness this could not always be. Too often her weary life was soulless duty, and death the only recompense; and thus was her gentle spirit crushed and made ripe for heaven.

Content is godliness; but for a woman to have content, she must have something beside wealth; her

heart knows no alchemy that will turn it into gold. There is a limit beyond which mere mental culture and unaspiring industry, be they never so earnest and patient, cannot broaden or deepen the soul. There must be a little sentiment, a little feminine ambition, a little womanly excitement other than that which a purely money-making husband usually gives; else the tender harmony of the heart is silenced, and the delicate flower withers and droops. California was no place for a fastidious woman. She who could wash best, iron best, or cook best, was the most independent, and the one to win fortune, and even happiness if her nature admitted it. Nevertheless, there were many whose hearts nothing but a golden key could unlock.

It is not to be wondered at that intemperance in business and pleasure should result in social discord. Though the Yankee element predominated, there was in society at the first, scarcely what could be called a recognized or recognizable nationality; California was then but a geographical expression—Vox et præterea nihil.

The guests of a large dinner or supper party were as varied in character and qualities of mind as among the rich men of Rome, who had acquired wealth by disreputable means in the days of Pliny, though the San Francisco host did not carry the distinction so far as to serve up different qualities of food and wine to the different guests as in Rome.

CHAPTER XIII.

FURTHER ABNORMITIES.

E come gli stornei ne portan l'ali
Nel freddo tempo a shiera larga e piena;
Cosí quel fiato gli spiriti mali
Di quá, di lá, di giú, di sú gli mena:
Nulla speranza gli conforta mai;
Non che di posa, ma di minor penor.

—*Dell' Inferno.*

In Lucian's Dialogues of the Dead, Charon compels all to strip before entering his boat; the rich man of his wealth, the vain man of his foppery, the king of his pride and kingship, the athlete of his flesh, the partrician of his noble birth and his honors, the philosopher of his disputatiousness, his rhetorical flourishes, his antitheses and parallelisms, and all his wordy trumpery. None may go to the regions of the dead even with a rag of clothes on.

Now there are many in California who would like to take with them there all they have, who are tremblingly fearful of dying and leaving the wealth they love so much; who cannot bear the thought of parting with it even after death; and so they leave it to be dissipated by lawyers and executors, instead of devoting it themselves to some useful and noble purpose. Many large estates have, in this way been scattered, which doubtless wrung the souls of their former owners as they looked up, watchful and wistful, at the hapless flow of their dear ducats. After all, there is a not wholly unjust law of compensation applicable to savage and civilized, poor and rich, the past and the present; even the most tormented in life may find relief in the

sweets of death. Let him beware who takes to himself more than his share of good, for upon him the gods will lay a corresponding quota of evil.

To a gold-laden ass all doors open. But the wealth-winners of California were not asses, whatever may prove to be some of their descendants, who like an oyster have much mouth but no head. Their lives, it is true, were too much like the life of an ass, enticed to drag its load by the fodder held before it, and which sees nothing but the fodder. They worked for money as if they had a wolf in their stomachs. Some were made wealthy by their avarice; others were made avaricious by their wealth. There were men among them of whom it might be said, as it was of Jeremy Taylor, "His very dust is gold"; there were others of whom we are compelled to admit, "His very gold is dust."

Wealth does not accumulate in the hands of a community by accident, nor by divine interposition, neither does literature, art, nor science. Because men will so and so is not a sufficient reason for their doings; all human actions are the result of cause, and individuals will to act, or they act, because of that cause. It was the application of the principles of political economy to social philosophy, though carried not quite so far as at the present time, that made the *Wealth of Nations* of Adam Smith so long the popular and powerful exponent of economic principles.

Early in the sixties there arose a race of bonanza kings with silver souls; silver were their friends, and silver were their enemies, for to be worthy their consideration at all, they must be of silver; silver was their meat and meditations; their doors were barred with silver, and silver paved their way to the final abode of souls. There was a whiskey demon and a silver demon, and these two demons fought; the silver demon caught the whiskey demon, but the whiskey demon gnawed out the vitals of the silver demon. Great is whiskey, and great is silver, but the greatest

of all is the bonanza king who gives his best friend points that direct him the shortest road to ruin.

Then spawned speculation, all kinds of gambling being in vogue in saintly circles and rabble congregations—all except the honest old-time games, such as faro, monte, and poker. And there were established among the sand-hills society shops, where the undying reign of fashion set in; and politician shops, where fat offices were sold; and peculation shops, where office-holders might turn an honest penny, and pay the purchase-money for their place.

There were some good fellows among the latter-day rich men, but not many. They were generally of the Gripus order; some hard drinkers among them, who when in their cups did not always treat with distinguished courtesy their guests; who were well enough satisfied to let Lucullus sup with Lucullus. Avarice gnawed at their vitals like the parasite in the stomach of a shark. Banks sprang up whose caterpillar was a steamboat or a grog-shop, and dignified dames sat in stately parlors whose grub was the laundry. These later overwhelmingly rich ones were quite different from the free-hearted and free-handed of the flush times, who, like Ali Baba, would not take the time to count their gold, but measured it. The enormous wealth of the former seemed rather to create a hunger for more money, with a gnawing appetite ever increased by what it fed on. Then perhaps they would grow covetous of fame and higher social standing, and so flit about, hither and thither, restless, and perhaps reckless, in search of something which, when found, only added to their unappeased desires.

Along the pathway of nations, savage and civilized, we see every community with its moral ideal which acts as an individual cohesive force holding society together. It seems of less importance what the ideal is than that there should be one. Theft was the moral standard round which revolved all virtue in the mind

of an Apache, while the Comanche would probably have placed murder first. In ancient Greece, far above female chastity was patriotism, while with us the relative importance of the two virtues is reversed. Spain's strongest social bond was loyalty, that and its ill-favored companion, religious bigotry. In the days of pious vigils, and self-crucifixions, humility was at a premium, while later boldness and bravery were the highest virtues.

Now, although the chief object of every one present was money, wealth was not their highest admiration. Gold was plentiful. All started on an equality. If in the scramble some filled their pockets while others did not, the former were lucky, and that was all. All of them were still men, good men or bad men as they were before, and not one whit changed; nor were they in the eyes of any there present special objects of adoration. Temperance, chastity, piety, none of these assuredly were the moral ideal of the time, neither was patriotism, asceticism, nor any of the soft amenities of life.

What then was that paramount virtue worthy the devout admiration of this august rabble? It was a quality for which I find no single exact expression in any vocabulary. It was a new quality for worshipful purposes, and made up of several common qualities. Take from extravagance its love of display, from prodigality the element which tends to the destruction of its possessor, and from munificence every appearance of charity, and we approach the opposite of what is commonly called meanness, which was the exact opposite of the moral ideal of the time. Generosity, open-handedness, large-heartedness, here was the ideal; and if it ran its possessor upon the shoals of bankruptcy, or into a drunkard's grave, it was lamentable, but no such black and accursed evil as parsimoniousness, stinginess, niggardliness, or in a word, meanness. There was nothing in the world so mean as meanness. If a debtor was unfortunate and

could not pay; all right, better luck next time. If he was thoroughly competent and honest he could obtain credit anywhere, twice as much as before. But if he was a mean man, if he had resorted to any trick, or subterfuge, or had attempted to cover any cunning; or if he was low in his ideas, grovelling in his tastes, close-fisted and contemptible, a mangy dog were better than he.

As in other abnormal accomplishments, so in profanity, the miner aimed at the highest excellence. The ordinary insipid swearing he scorned, and so invented new terms of blasphemy befitting his more exalted ideas. Since the days of Cain God was never so cursed. Profanity was adopted as a fine art, and practised with the most refined delicacy and tact. From morning till night men mouthed their oaths and then swallowed them. The language of blasphemy, with its innumerable dialects and idioms, developed into a new tongue, which displayed great depth and variety, with delicate shades befitting the idiosyncrasies of individual swearers. The character of the man was nowhere more clearly defined than in the quality and quantity of his oaths; one who could not or would not swear was scarcely a man at all, and but little better than a pious hypocrite or a woman. Among the most cultivated blasphemers, who made swearing a study, euphony was first of all regarded; and this was effected by alliteration, an adjective followed by a substantive both beginning with the same letter. The style though studied might be of the simple or florid cast, but it was sure to be both original and effective.

Not that all men swore, or that all the swearing of the world during this epoch was done here; I only claim that it was here original, if not abnormal and artistic.

Oaths have their mood and tense and number, their individuality, and nationality. There is the sportive

oath, light airy and graceful as the limbs of the youthful dandy; the earnest oath; the angry oath; the frank and hearty oath, indicative of honesty and good humor; the oath of success, in which the choicest gems of irreverence are thrown off like soap-bubbles; oaths of time, place, and occupation; the oath of common conversation, the murderous cut-throat oath, the business oath, the oath of greeting, swearing when not knowing what else to say; the midnight guttural drunken oath, the clear ringing gladsome oath of morning, the orthodox oath, oaths that are not oaths, reluctantly coming from bashful inexperienced lips; the scientific doubly-refined oath of the gambler; oaths of nations, the good old round English oath, racy and mouth-filling as even Hotspur should wish, the rolling sacre of the Frenchman, the infernal melody of the Spaniard, the whining Yankee cussings, the spluttering Dutchman's swearings, and the imitative intonations of the Celestial. The muleteer relieved his burdened bosom in outpourings that seldom failed to convict the most impenitent animal. Approaching the unfortunate mule that had fallen under a heavy load, or had mired in the mud, its driver would pour forth such a stream of profanity into its ear as would make the dumb beast tremble in every fibre, and glance around with terrified eye as if expecting the earth to open, or the invoked deity to smite to dust the author of such fiendish imprecations. Under such exhortations, native stubbornness gave way, and the virtue of profanity was clearly vindicated in the eyes of the driver.

Indeed, notwithstanding all that has been said regarding vice and crime, I am not so sure that California in her wickedest days was worse than the pseudo righteous states of the east and Europe. In the shameful pleasantries of the times there were counterbalancing virtues, which went far toward preserving the moral equilibrium. If iniquity here was more unblushing, there was less of cant and hypocrisy, less

of covert deceit and pharisaical humbug, less of that white lying and envy and jealousy which constitutes the pabulum of older religious and fashionable societies. Loyalty to an honest and enlightened ideal is, after all, the truest morality. Ill-fitting forms, provoking dissimulation and falseness, keep the social pool always turbid. Experience tells us that wickedness, in greater or less degree, is inseparable from human nature; to hide away the evil, and cover our wrong-doing with placid smiles, polished bearing, or sanctimonious countenance, may not be, after all, the surest way of eradicating it.

A world of ideas was here flung into a world of practise, and until right was ready, force must rule.

Like the returning heroes of the Trojan war, every leader has his history and historian, each one of whom sought to outdo the rest in their relation of daring deeds and marvelous tales, all leaving far behind in this respect Æschylus and Agamemnon.

Once when evening had stretched the shadows across the street, I saw a man of middle age, robust and proud, pouring into the bosom of a friend a torrent of sorrow, accompanied by bashful, agonizing tears. The cause of his grief I know not. It may have been the destruction of his hopes by fire, for on every side were the smoking cinders of a recent conflagration which had laid hundreds low, and caused many a strong man to weep internally if not in actual tears. And who shall blame them, brave men though they be, for this is the third, or fourth, or fifth ruin with some of them, the third or fifth time fate has sent them forth with only their head and two hands to begin life anew. I did not stop to listen, gaze, or question. With grief such as this, no stranger intermeddleth.

Yet to the disappointed man of toil I would say, yield thee not. Yet another blow, and another, and another. As long as thou canst strike, I care not for the result, thou art not overcome. As long as

courage pulsates in the heart it matters not the outer conditions or success, the man lives and nothing can quench his energies. The strokes fall regularly and to the purpose. Better to sow and never reap than not to sow, for in sowing lies the spirit of increase more than in reaping. He who can always work, I care not for the result, is no failure. Work itself is life, progress, success. But alas! when courage casts off the man, and coward fear enters in and saps activity, unstrings the nerves and weakens the mind and body, uncaging hope and relaxing the tendons that grapple difficulties, the poor wretch, though he live and eat and sleep happily as ever, is dead already. Work, work I say; never mind what comes of it, work.

For of such is the kingdom of earth and heaven. For so are we made. Like the Wandering Jew, we cannot stop. Ever and onward we must march, march, march. There is no rest but the rest of rotting, and even in this there is evermore work, work. Hence, a man having lost his hold and become workless, is neither of this world nor of the next, but floats in a purgatorial abeyance worse than death.

Weep, my good friend, if you will, there is nothing unmanly in tears. Despair not of him from whose sensitive or passionate nature adversity wrings tears: especially if they be tinctured by wrath or bitterness; but despair rather of him who with pointless languishment lives usque ad nauseam. Well directed effort cannot always fail; but if it so appears, still let anticipation wipe the brow of labor and triumphal visions sweeten healthful sleep.

Among many both of city and country there was no fixed standard of morality. Each had been educated in a different school, that is to say, those of them who had been taught morality at all; each held a different tradition, or no tradition; religion was a father's rod or a mother's tears, and law and justice were in their own right arm, so that, as with the Sophists

of Plato's time, pleasure and pain, profit and loss, were about the only criteria of right and wrong; and gold and brass were the only criteria of respectability. That unblushing energy which pushes men in where angels fear to tread, which so obscures the senses that one can scarcely see one's own failures, seemed at once, and almost unconsciously, to bear a man onward upon the topmost wave. If he fell he had no thought of anything but to get on his feet again, surely he would not lie and cry about it like a child.

"Many of my friends have left me," says the waiting, working one, "have left me for the states. Of late, Sam Punches and others. And as they left they pictured me of what they should see at home; of their coming friendly meetings, joys, and wet-eyed greetings, such as my heart had often told me should be mine the day I might again behold the lustrous scenes of youth. And I wonder if the grass will look as green, and the sun as brightly shine as fancy now pictures. Shall I see the faces that rise before me now, the forms and features photographed in my memory years ago, or will they seem strange to me, wry and wrinkled? Will I have merry meetings and heartfelt greetings, I wonder? Days are dead and many dark nights have sunk into the tomb since I bade my native hills good-bye. I see them as I left them, and they are waving me adieus: I wonder if they all have changed, if I have changed. My beard has grown stubble, I grant, silver-gray mingles with the brown of my hair, yet my heart has not lost its buoyancy, nor my eye its brightness; I can still laugh and love though I have felt what sorrow is.

"Home shall see me one day, so the inward whisper strikes my ear, and a mother's kiss shall call back childhood. Old of head but young of heart, a mothers's kiss shall scatter the silver gray hair and smooth and soften the fixed features; in a sister's embrace years of wanderings are lost. Then how soon my ab-

sence and return both alike will be forgotten. Something tells me I shall see them.

"Will Barry I shall see; my old playmate, schoolmate, Will, *fidus Achates*. Will is married now, and he will talk to me of wife and little ones, as he would talk of an extra head, or arm, or leg. Wife and little ones! I wonder if Will has changed. Merry meetings and suppers; bright eyes, winning smiles, and soul-swelling music! Shall I meet one nearer still than sister or mother; one who, laying her head upon my breast, and tightly clasping me around shall make me swear to wander no more; who breathing rest into my soul, opens my eyes to beauties hitherto obscure, opens to my longings a passage outward and upward, and who fills the measure of my desires with her own satisfying self—lives she, and for me?"

Millions and millions of such floating thoughts hover ever round the brain of the waiting, working one, nerving the arm and sustaining existence itself, filling the dark shaft with bright images, furnishing stuff for dreams.

I never thought I should fancy the occupation of a pawn-broker, and yet I cannot see what there is about it that should necessarily render shop and shopman so obnoxious to Christian nostrils. It is said that their ox-eyed, hook-nosed and ugly-mouthed proprietors make their money through the necessities of the unfortunate and poor. Granted, but who does not? Would you on that account close the corner grocery and the bakery? Does not your banker acquire a pledge from his wearisome client before he deals out to him the ducats? Curse them for grinding the poor! Curse, then, all the world. Curse fathers for feeding their children bread earned by the sweat of hirelings; curse mothers for pointing the finger of scorn to those pitiable wretches whose very existence is contamination to their untempted daughters. Is your purse-proud capitalist who would see a poor

woman starve before he would lend her five dollars on a dead husband's ring, any more the friend of humanity than the grinding Jew who would? So it is with many of our popular prejudices—sift them and you find no substance.

Oh, my prophetic soul, mine uncle! Many a proud head has bowed beneath the symbolic balls for the first time in California. Could the pledges at the shops of San Francisco pawn-brokers rise up and speak, what tales they would tell; of what sighs, and poverty, and struggles, and despair they would speak; of what broken vows, of what heartless cruelty, of what devoted love and self-sacrifice, of what agonizing deaths! What touching, silent eloquence in those worn and faded articles, many of them once pledges of affection, now pledges of necessity!

Nothing smacked more strongly of the topsy turvy times, or was more characteristically Californian than these pawn-brokers' shops. Ten per cent. a month; that was the rate charged, and the interest for one day was the same as for one month. Quick turns were likewise the rule, for the sharp-eyed Shylock received the right to sell pledges unredeemed at the expiration of one month. What a contrast there must be between pawn-brokers' pledges of different parts of the world. Here you see, scattered about the pawn-broker's boudoir, the materials for a first-class curiosity shop; guns, revolvers, bowie-knives, swords, dress coats, camel-hair shawls, clocks, watches, diamonds, meerschaum pipes, opera-glasses, books, gold-headed canes, flounced dresses, pictures, and every conceivable article of value which is not too cumbersome or difficult of transportation. This temple of distress, the necessitous of every class and caste approach: the unsuccessful adventurer, the ruined gamester, the bloated victim of dissipation. See that pale, broken-hearted widow approach with tremulous step. She is a novice still proud in her poverty. With uneasy glances at the passing witnesses of her disgrace,

she enters a dimly-lighted, ill-ventilated room, steps up to an opening in the barrier of separation between customer and proprietor, similar to a post-office window, and timidly lays upon the board perhaps a diamond ring, relic of happy days departed. A dark visaged man in greasy coat and faded smoking-cap from within seizes the jewel, and through glasses of the greatest magnifying power, critically scrutinizes it as if to read the sparkles of its soul.

"How much?" at length he asks, peering at his customer over the top of his spectacles.

"Thirty dollars," replies the applicant, who wishes to borrow as little as possible so that the jewel may be the more easily redeemed.

"No more than twenty," the man in spectacles briefly responds. The ring had cost a hundred dollars years ago when diamonds were not worth so much as now. But taking the coin and certificate which the man of money as a matter of course presents, the victim of necessity departs, thinking "when and how shall I redeem it?"

Lines of travel were soon established and every facility offered the impatient gold-seekers for getting from place to place. Good wagon roads were marked out through the valleys which in the summer answered every purpose, but after the winter rains had thoroughly saturated the parched and porous soil a loaded wagon once off the beaten track sank to the hubs and must be unloaded and pried out as from a marsh. Through the town the stage thundered out into the valley, over the broad plain, up the ascent, through rugged and sometimes more than suspicious defiles, then down by gradual and winding descent to where the half-stripped miners planted their heavy blows through the hot livelong day. The river steamboats entered into the spirit of the times, and now and then there was strong opposition. Then might be heard opposition runners at the wharf crying "One dollar to Sacramento by the magnificent steamer

Senator, the finest and fastest boat that ever turned a wheel from Long Wharf, sound and strong, with mirrors, mahogany doors and silver hinges—one dollar to-night—feather pillows and curled hair-mattresses, eight young-lady passengers and not a nigger from stem to stern of her. All the dead languages spoken, and all for one dollar!" "Low fares and no monopoly," yells another, "no more rotten bottoms and bursting boilers, and beds with bushels of bed-bugs and fleas!"

In August 1853 the fare to Sacramento by boat was one dollar in the cabin and twenty-five cents on deck. Opposition steamers flaunted their banners, and Long Wharf presented a stirring scene. He was a luckless fellow who fell unprepared into the hands of the runners. Amidst cries of "no imposition practised by this line," and cursings on all sides of combinations, monopolies, and oppositions, he is fenced in by the philistines, and *nolens volens* he is hurried to the boat, whose representatives are for the moment in the ascendant.

At the various landings along the rivers, stages take up the passengers and whirl them on toward the mines, and when wheeled vehicles are stopped by the rugged barriers of the Sierra foothills, saddle mules stand ready to hurry them on to their destination.

Out of every necessity is born a new phase of character; and the Californian stage-driver—the whip par excellence of early times, now unhappily no more—is not the least original and fantastic—of the great conglomeration. Culled from the scum, with a swaggering air, a rough manner, and uncleanly mouth, he is not without heart, conscience, and deportment. He is a lord in his way, the captain of his craft, the fear of timid passengers, the admiration of stable-boys, and the trusty agent of his employer. He prides himself in being an expert in his profession, to which all other occupations and professions are subordinate; all must sooner or later fall into his

hands, for to this end towns are built and men and women migrate hither and thither.

An offer of money as a gratuity would be received as a deadly insult, but he will graciously accept a cigar or a glass of liquor. Stage coaches are levelers of distinction, and the judge or governor on the box beside the driver is his equal, if not indeed his inferior; for can a man of law or politics drive a stage? He who travels by steamer or stage must resign his liberty, and place his destiny for the time being in the hands of the august commander. Meeting on the road, the friendly drivers halt and hold a conference, mingling with their classic speech the most refined blasphemy. In places of danger the stage-driver manages his team with the coolest dexterity; but he will not go one inch out of his way to save his passengers from the fear of perdition. Sometimes he sees safety in speed, and performs wonderful feats in circumventing obstacles; again he trims his boat or empties out the cargo.

Two styles of vehicles were used, the Concord coach, carrying nine inside and two or five beside the driver outside, and the mud-wagon, of larger or smaller dimensions according to roads and traffic. The best horses, four or six in number, were employed, the stage proprietor, like all others of quick perception and active energy who came to California, soon learning wherein lies true economy. Over a good road, ten miles an hour were readily made.

Before the hotel and stage office in Sacramento, at dawn of day, were drawn up side by side, all fronting one way, twenty or thirty coaches, each behind four restive horses, at whose heads stood grooms holding them in check. Men of every nation and degree, each with a roll of blankets, and many carrying a rifle, elbow their way from a candle-light breakfast through a labyrinth of horses and wheels, with lighted pipes and bottles of rum, seeking their respective coaches. The driver mounts his seat, casts a critical glance over the rig-

ging, swears at the horses, politely directs his attendant to make some change, gathers up the "ribbons," and turning half round bellows to the crowd, "All aboard for Brighton, Mormon Island, Mud Springs, and Hangtown!" In times of opposition, the confusion was increased ten-fold by runners. "Now, gentlemen, this way for Nevada; take you there in five hours; last chance to-day for Coloma and Georgetown, Auburn and Yankee Jim's!"

Soon all is ready, and off they go, amidst shouts and cracking of whips, and clatter of horses' feet, and the rattling of stages, through the town, and out into the fresh morning air, into the vastness of the open sea-like plain, diving through the long grass, under the wide-spread oaks, down into gulches, across streams, and up into the hilly country of the mines. All is exhiliration and merriment.

Round the broad streets of Marysville gaily-decked horses before brilliantly painted coaches snort and prance in the early morning, while the office clerks stand beside drivers and shout, "Here ye are for Brown's Valley, Long Bar, Rough and Ready, and Grass Valley." In like manner the Stockton herald proclaims, "Knights Ferry, Chinese Camp, Jamestown, and Sonora."

Before the United States Hotel, Nevada City, one morning in May 1855, stood two rival stages for Forest City. One passenger only had put in an appearance when the agents for the contending lines came up and opened the business of the day. The solitary passenger they found seated in the stage.

"What fare are you paying in there?" asked the agent for the opposition.

"Five dollars," was the reply.

"Get out, and I'll carry you for four." The passenger, thinking it was an easy way to earn a dollar complies and takes his seat in the opposite stage.

"Here, come back," exclaimed the other agent, "I'll take you up for three."

The passenger is but fairly reseated in the first stage, when an offer of two dollars tumbles him out again, and an offer of one dollar sends him back. But the opposition is not to be beaten in this way.

"Well, old fellow," he finally puts in, "sorry to make you so much trouble, but get back here and I will carry you for nothing, pay for your dinner, and give you all the whiskey you can drink on the way!"

I will cite one instance showing the behavior of these knights of the whip, under trying circumstances. Upon the box of the coach leaving Forest City for Nevada the 23d of July, 1855, were seated two men, members of the Jehu brotherhood, one of whom was driving. Passing under the limb of a tree which seemed in some way to have settled and dropped down since the last trip, the top of the stage was torn entirely off, and the driver thrown to the ground. Of the eleven passengers one was thrown upon the root and three jumped to the ground. The crash of the breaking vehicle frightened the horses, which started off at full speed, dragging the driver some distance before they freed themselves from his grasp. The horses were now dashing along the road at a furious rate, wholly without control, and the inmates of the stage apparently helpless. At this juncture the man who occupied the seat next the driver, deliberately got down upon the pole, walked to the end of it, gathered up the reins, returned safely to his seat, and finally succeeded in stopping the horses without further damage or loss of life.

It was when the long routes were established across the plains, however, that staging assumed its most gigantic proportions; one by the way of Salt Lake and the other through New Mexico and Arizona—two thousand miles in twenty days and nights, stopping only to change horses and for meals. The road across the Sierra Nevada was fearfully picturesque, and going down the mountain sides was anything but quieting to unsteady nerves. Lighting a cigar

and putting on the break and lashing his snorting horses to a keen run, the skillful Jehu, with a diabolical leer, would send his coach dashing round precipice and craggy wall on a thread of chiseled-out road, swaying and sliding to within a few inches of death, and dodging the overhanging rocks and trees, diving in and out of ruts and whirling round on the verge of chasms where but for the timely cry of "Sit up to windward," horses, coach, and company would be hurled into the abyss below. More than once the thing has happened, when upon a drunken driver, a slippery road, a fallen tree or boulder unexpectedly encountered in rounding some sharp turn, was laid the blame.

At first, between the several towns and camps there were no wagon roads, but only mule trails; so that among the hills and in the mountains, provisions and other supplies had to be carried to the miners strapped to aparejos upon the backs of mules. Thus "packing" became a large business, and was one of the features of the times. Mules for the purpose were driven up from Sonora and Sinaloa, and Mexicans were chiefly employed as vaqueros or muleteers. Making up their cargoes in loads of from two to four hundred pounds according to the roads and the ability of the respective animals, each load was evenly balanced and firmly lashed on. At sunrise or thereabouts all was ready for the start, when an old horse with a cow-bell at his neck and a boy on his back led off, and the tinkling of this bell the mules would follow day and night. Three or five Mexicans on saddle-mules would follow a train of twenty or fifty mules re-adjusting loads, assisting the fallen, and urging on the whole with loud cries of "upa! mula, arriba! arriba!"

The Mexicans are the best vaqueros in the world. They are as familiar with the habits and idiosyncrasies of the horse and mule as is the Arab of those of the camel, and they sit upon the saddle as if part

of the animal. A loaded train will travel about twenty-five miles a day. The favorite camping-ground is a grassy spot near a stream of clear water; there at night the Mexicans dismount and unpack. Bringing up one mule after another, a blind is thrown over the animal's eyes to make it stand quietly, then with one man on each side the hide ropes are rapidly untied, and the cargoes, consisting of sacks of flour, sugar, barley, and bacon, boxes of tobacco, dried fruit, and miscellaneous groceries, and kegs of liquors, each kept separately, are ranged in a row with the aparejo or pack-saddle in a parallel row, each saddle directly opposite its load, with the girth and saddle-cloth belonging to it folded and laid upon the top. The mule's back is then examined, and if galled, remedies are applied to the spot, and the tired animal is turned loose to graze. In the morning the mules are driven up and packed in like manner, and on they go.

On the whole the cunning little animal bears a good character. Though sometimes stubborn, it is as one possessed of the devil or overtaken by a fault rather than willfully wicked, for in his ordinary mood he is very patient and faithful. Though in some respects his sensibilities may be somewhat blunted, he nevertheless has a keen moral sense. He guards the load entrusted him with intelligence and faithfulness, being careful not to knock it against the trunks of trees, stooping low to let it pass under an overhanging limb, planting his feet firmly in dangerous places, eyeing the rocks that jut out over the trail round the mountain side, lest in an evil moment his pack striking one, he be thrown from the narrow path, and hurled trembling into the abyss below. The moment the pack is loose or anything drops from it he stops, and no matter how hungry or weary he may be he is allowed little time to eat until his work is finished.

Even in those days dreams were dreamed and prophecies prophesied of the time when San Francisco

should be but five days' journey from New York, and the summer houses of the Gothamites should bask on the Pacific slope; of the time when the shadows of gigantic trees should fall on mansions glittering like temples; and in the vistas of long colonnades, fringed and rainbowed by countless fountains, should stand statues worthy of Phydias, and should walk a people worthy to have been his models. These new Greeks were the Californians of the twentieth or thirtieth centuries. Every woman is then to be pure as Diana, wise as the unborn goddess, and fair as she whose beauty awed the judges of Athens. The men are to be thewed like Hercules, shaped like Apollo, and wise as Plato.

CHAPTER XIV.

BUSINESS.

The world is full of hopeful analogies, and handsome, dubious eggs, called possibilities.

—*George Eliot.*

Business lines and methods were not definitely determined. You might buy butter in a hardware store and drygoods at a liquor shop.

When Purser Forbes, of the steamer *California*, set out to purchase stores, he ransacked the place, picking up here and there what he could find, paying usually a dollar a pound for provisions; whereupon, becoming somewhat disheartened, he dropped into a restaurant, where, for a mutton chop, with poor bread, and still poorer coffee, and no butter, he was made to pay $3 50. Thereupon he thought it must be a great country, and so went on with his purchases.

Business was conducted on high-pressure principles. On Long Wharf there was a candy shop, the owner of which, after six months' business failed for $100,000. So quickly after a fire was building begun, that a water bucket would have to be used before the new timbers were laid.

Since the days of the Medici, who ranked high among the class of Lombard money-changers, the insignia of the three golden balls, derived from their armorial bearings, hang over the entrance to the pawnbroker's shop.

Frenchmen were the first to raise the occupation of boot-blacking into an art. The cleaning, and dampening, and plastering, and polishing were not done by

women, as Dibdin, in his bibliographical tour, pictures it all in the streets of Caen. The few women there were in those days were used to blacken characters, not boots.

Much has been said by a class of persons whose enthusiasm overshadows their judgment, of the breadth and bigness of everything Californian, as if size were worth, and bigness, greatness. I take no special pride in the size of California's turnips, nor in the amount of gold riddled from the placers; I rejoice in California's beauties, for beauty is a thing to rejoice in; I bathe in her mellow, misty light, and drink her sparkling air, and rejoice in her capabilities, in the intelligence of her men and women—all that is good in them; her frailties have no attractions for me, her sins are hateful to me.

By midsummer, 1850, fifty ships were in port, upon whose cargoes the owners could not pay freight, and put up at auction the ship's consignees would buy them in.

Traffic as here displayed, so loud, so large, so erratic, was the very irony of speculation; and for long afterward California was famous for wild ventures, and high rates of labor and interest; yet it was clearly enough demonstrated that such speculation may prevail unattended by general financial convulsions in a community whose circulation is purely gold and silver. The recuperative powers of the people after a fire, flood, or drought, were marvellous. An isolated community with a metallic currency tends to the originating and building up of private banks, and though a speculative inflated condition of things appears at intervals in a rapid spasmodic progress, the failure of any local or incidental element of prosperity, though affecting in some degree every member of society, involved in ruin comparatively few. Nevertheless, the country, and all about it was old and extravagant, the people and their doings being no less whimsical and bizarre than the streets and the houses of the towns. Over the sudden and wonderful development of wealth,

commerce in the young metropolis had become crazed. A few actual transactions which I will cite will illustrate the diversities and vagaries of trade better than any general description.

There were not lacking men, and a large class of them at one time on California and Pine streets in San Francisco, who were free and frolicking enough. During the height of the mining stock excitement the board of brokers boiled like a geyser cauldron. It was a queer fraternity this brotherhood of air-beating knights; surging and screeching in their struggles for commissions, which, when obtained, were pitched hither and thither with the reckless indifference common to all kinds of gambling. The champagne seller, the cigar seller, the jeweller, and livery-stable keeper, all came in for their share. Merrily these brokers made their money, and merrily they spent it. Most innocent were they in their broad and philanthropic egotism. In their eyes the universe revolved round their board-room; and the man who hammered the anvil and yelled in well-recognized tones of superior discordance, was the Great and only One, the First Cause and the Last. Their creed and catechism were easy affairs. "I believe in the only one and respectable board of brokers," the former began, referring to the "big board," as distinguished from two or three smaller boards, whose members in the eyes of the aristocratic band were vulgar *parvenus*, and bad society; and to every such question as "Who made you?" and "What is the chief end of man?" the answer was "A broker," "to be a broker," and the like. Their gehenna, which though large was not a very hot one, because of their uniform kind-heartedness, was filled with that vast horde of unfortunates whom fate had denied the blessedness of being brokers; these and bad members were refused admission to the heavenly hall.

It was an exceedingly nerve-splitting occupation. The hours of business were few, but the clatter and

bang of hammered iron and human voices raised to a pitch of wild phrensy made the excitement fearfully wearing. The calling of a stock was sometimes as the flinging of a carcass to a mixed pack of ravenous hyenas, wolves, or other bloody or bellowing beasts. Then it behooved them to be quick; for often an instant of time was thousands of dollars for and against certain interested ones. The fashion of their buying and selling was no less senseless than it was infernal; but such a thing as questioning the manner of their calling never occurred to them. On the contrary it was their pride, their glory.

"One of the wealthiest stock-brokers of San Francisco to day," writes one, "formerly peddled potatoes along the same streets where he can now count his own buildings by the dozen. Another well-known resident, then a lawyer, now a judge in one of the courts, worked for several weeks as cook in a restaurant. Overhearing one of the patrons of the place complain that he could not find a lawyer to take up a case he had in court, he proffered his services, took off his apron and went before the court, won the case, charged a fee of $200, and was retained for two other cases before leaving the court-room. A certain college professor who went out from New York in '49, while working with a shovel on the public streets, overheard a Frenchman trying to arrange some business with a wealthy real-estate dealer. Neither of them could understand the other. The professor leaned upon his shovel and explained the meaning of the Frenchman. The matter was arranged in a moment. 'Drop that shovel and take off your overhalls. You 're just the man I want,' bluffly said the real-estate man; and the next morning the professor commenced his career as business interpreter at twenty dollars a day."

Once in a while a staid old merchant from Boston or New York, braved the dangers and disgusts of the voyage, to look after some consignment or other busi-

ness, when he would be struck dumb with astonishment at the reckless whirlpool of business that surrounded him. He would see the shop-keeper sweep with his arm into a bag silver coin stacked upon his counter in payment for goods, as not worth the counting; he would see screaming auctioneers crying off goods to whittling, tobacco-juice-spirting bidders, who between jokes would buy whole cargoes, ship and all with terrible sang froid.

Thus the city-builders carried their work forward in wild irregular spasms but ever onward, unceasingly unhesitatingly. Often the arrival of a vessel, the completion of a wharf, or some such excuse would double the price of property within a few days.

Again and again one wonders how it is that so many of the shrewd and enterprising so soon became bankrupt. With such foresight, such practical common sense, uniting energy, and golden opportunities, all as it would seem wisely applied and earnestly embraced, it was pitiful to see them later, all there were left of them, or well-nigh all, wandering the streets that they had made, by houses they had built but now no longer theirs, moving silently and sadly over long-familiar ground, yet amidst scenes strange to them though fruits of their own untiring energy—wandering thus alone unrecognized skeletons of their former selves, while a new generation of millionaires flaunted its wealth in their faces. It was sad to see their wrecked hopes reconstructed by men of lesser worth, whose proud argosies bore heavily upon their slender craft; to see the commerce of a great metropolis, once their own, ruled by upstart speculators; to see their sand-hill home, with its acres of garden and barn-yard, become thick with magnificent mansions, whose lords were lucky gamblers, whose parvenu mistresses flouted and overshadowed their humble wives, while they themselves plodded quietly through their declining years, happy indeed if wife, and children, and food, and shelter, might be left to them.

Strikes among mechanics began early in California. In July 1853 the carpenters of San Francisco complained among themselves of the irregularity of prices for day's work, the rate ruling from ten dollars down to next to nothing. No one knew what to charge; each was fearful of asking too much or not enough, and so they fixed wages at eight dollars a day, somewhat above the average of what they had been getting. On the 18th, those determined to hold out and not work except for the wages named, to the number of about 400, held a meeting on the plaza, and afterward formed a procession and marched through the town with banners streaming and music playing. Had wages been double, it is likely they would have been just as dissatisfied. Laborer's strikes are a melancholy commentary upon the intelligence of working men, who fail utterly to see that wages are regulated by the inevitable law of supply and demand, and that any attempt to forestall this law reacts upon themselves.

The 'longshoremen determined to have six dollars for nine hours work, instead of five dollars for ten hours. Perambulating the wharves to the number of about 300, they forced all who were at work to join them, using threats and violence when entreaty failed. The wharves for the time were almost deserted; but next day the stevedores having acceded to their demands, the men went to work, happy in the thought of another dollar a day to spend and another hour to spend it in. At the same time the calkers and ship-carpenters demanded and received ten dollars a day. The firemen and coal passers then struck, the former demanding $100 a month, and the latter $75. The masons of Sacramento also demanded the same wages received by their fellow-craftsmen of the bay, which was ten dollars a day. The hod-carriers of Stockton, in place of five dollars a day, struck for six dollars. In San Francisco the system worked so well, that the masons whose wages had just been raised to ten dol-

lars, on the 17th of August, paraded the streets in a body, and refused to work for less than twelve dollars a day.

During the first five years subsequent to the discovery of gold, the gold-dust trade underwent many changes. Prior to 1849 the ruling price at San Francisco was fourteen dollars an ounce, and in the mines much less. It was once sold at auction for twelve dollars. Afterward the rate was fixed and maintained at sixteen dollars an ounce. Due attention was not paid by merchants to the quality or cleanliness of the dust, and many miners were not careful to remove all the black sand. The scales used were also not always the nicest, nor the weights most correct. The gold from central California was mostly virgin gold; but that which was later thrown upon the market from the mines of Mariposa, Kern river and Fresno, was of inferior quality. This gave rise to a system of adulteration, which could not be easily detected by purchasers. In time assay offices were established to reduce the mass of the precious dust to a determined value before shipment; this, together with the stimulating traffic by large competing banking-houses, advanced the price of clean dust first to $17, and afterwards to $17 50 an ounce, this being the average. The proceeds of some mines were, however, sold as low as $14, and those of others as high as $20. The gold-dust trade finally fell into the hands of four large houses, which a little later shipped only bars with the true value stamped on them.

In April, 1851, bankers agreed to receive on deposit no California coin other than that issued by Moffat and Company, who were the only ones faithful in their valuation, and had, moreover, made provision to redeem the coin issued. Until the establishment of the mint at San Francisco, merchants suffered because of the exclusion of California coin from circulation. They could not refuse to receive it without injury to their

trade, and generally had much of it on their hands. Some foreign coins began to circulate at the value put upon them by the United States government. At last, to obviate difficulties, the legislature passed a law making it a criminal offence, punishable by fine and imprisonment, for coiners to neglect stamping upon their coin its true value, or failing to redeem it from the holders thereof on demand.

In October 1852 news came that the federal government had ordered that the fifty-dollar slugs or ingots should not be received for duties at the custom house. This was a serious blow, at a time when coin was very scarce. Legal coins at once advanced two per cent. Though that order was coupled with a promise to establish immediately a mint, the people were not satisfied.

The bank failures of 1854 and the political corruption of 1855, hastened a commercial crisis which had been brewing for a year or two previous. The monetary cataclysm of 1848–52, was followed by a reaction resulting from various causes combined, to-wit: increase of a non-productive population, greater labor to extract gold from the earth, high-pressure life and reckless extravagance, a succession of disastrous floods and fires, and over-trading. Hundreds of merchants failed and involved hundreds of others in their fall. Many failed as many as three times and started anew, others took subordinate positions or drank themselves to death. Not one in ten of the San Francisco merchants of 1849, was doing business in 1855. Fifteen hundred healthy men, of every intellectual calibre, found themselves without occupation or means of livelihood. California's credit was now at a low ebb abroad. The population did not then increase at all. Real estate was so low that there was scarcely any sold. Since the fire of 1851, San Francisco saw no gloomier day than that following the suspension of Page, Bacon, and Company, announced on the 22d of February, 1855.

The San Francisco branch mint, in 1857, was robbed of ten or fifteen thousand dollars by the coiner's head cutter, William Bein, a Belgian. Bein was arrested the 19th of August, confessed the crime, and gave up to the United States most of the proceeds of his crime. The gold taken was in blanks and clippings, and the circumstance which aroused suspicion was the deposit, by a banking house, of certain small, rough, gold bars of standard mint value. Bein was promptly convicted. Others implicated in mint swindles were arrested shortly after. Isador and Henry Blum were brought up on a charge of conspiracy against T. A. Szabo, in attempting to extort money from him, believing him a mint-defaulter and in their power. Augustin Haraszthy, melter and refiner of the San Francisco branch mint, on the 19th of September, was indicted by the United States grand jury upon a charge of embezzling gold to the amount of $151,550. He was arrested and released on $20,000 bail. Afterward he was tried and sentenced to six years in the state prison and to pay a fine of $2,000.

Californians early determined that as mind and manners were here free, money should be free also. Dante could have found in California a better answer to the question why usury offends divine goodness, than the silly one Virgil gave him. It was in the realms below that the two were sagely discoursing, and the sage and master answered that in Genesis it is written that man is to work and multiply, and that the usurer thwarts nature by taking money without working for it. Good reasoning that may be in hades, but it sounds silly in California. Our first answer is that usury does not offend God; our second that money like any other commodity is regulated in its price by the immutable law of supply and demand, and is worth what it will bring in the market. If a person finds it profitable to borrow money at ten per cent a month, why should he not be permitted to do it? If he can get it for less he will not pay that; if he

cannot make it profitable at that rate he will not borrow it. No greater absurdity stands upon the statute books of civilized nations than laws compelling men to loan their money for less than it is worth. They might as well pass laws compelling merchants to sell their wares for less than their value.

On the statute-books of all enlightened countries, from the days of Shylock to the present time, the usury law has been obsolete, and the idea of foisting such a piece of antiquated nonsense upon the people of California was not to be thought of. They wanted no laws regulating the price of the use of money, they said, any more than laws regulating the price of flour or city lots. Men are supposed to know their own business best; one, what he can afford to pay for the use of money, and another what rate of interest he can afford to loan it at. There is no more reason for a legislature to pass laws regulating the interest of money, than that it should frame sumptuary laws which we all admit would be a step backward. At that time particularly, the chief staple of California was the metal of which money was made, and her business men of all others should know that this as well as any other product is liable to fluctuations according to the supply and demand.

If the merchant, manufacturer, or miner, can afford to pay high wages and high interest, it shows that the country is so prosperous and his enterprise so profitable that he is justified in paying high for capital and labor. In times of panic or stringency arising from overtrading or extravagance the case is different; but it is not against such contingencies that a usury law aims to provide. The object is to invade a man's private affairs when *laissez faire* is better. Besides, admitting the existence of an evil, usury laws instead of curing it only aggravate it. In the place of securing the lender a return of his money with the interest agreed on by law, it only forces him to resort to fraud in loaning his money, and by weak-

ening his security to throw a heavier burden upon the borrower. Almost all laws made to protect borrowers of money react on the borrower, the lender having the advantage. The suspension of several banks threw the wheels of finance generally off the track. Confidence in other banking houses was impaired; the solvency of merchants was suspected. No man felt that his ducats were safe unless he had them in his own possession.

Likewise the effect upon the people of the suspension of the two great express companies was much greater than that of all the banks combined. There was not a town of any consequence in the interior or on the coast from San Diego to Puget Sound, where one, or most generally both of these companies did not have offices. There thousands of miners and laborers had deposited their little all, preparatory to remitting to their friends at the east; they had there laid by a little for a rainy day, a nest egg, passage-money home, in fact their all, the result of years of hard labor—thousands, I say, throughout the length and breadth of the land, saw their money and their hopes thus suddenly cast away.

And if credits during the flush times were freely given, as a rule debts were promptly paid. Business was done upon honor. There was no law; away from the larger towns there were no pretensions in the way of tribunals for the collection of debts. Had there been such they would have received little patronage. If the debtor was ill and unable to work, why molest him? Poverty, there was none. When every rivulet and ravine yielded large returns to the application of pick and pan, he who was able to wield these implements could not be called poor. If the debtor was a rascal, and would not pay when he could, a knife would cut the difficulty, or a pistol-ball reach the wrong quicker than the law.

In the first flush of business upon the new American high-pressure principle, after gold had been dis-

covered but before sufficient time had elapsed for cargoes to arrive from a distance, when money was plenty and prices had advanced in some instances a thousand per cent, the trick was to get goods, not to sell them. The two chief rival firms were Charles L. Ross, and Howard & Mellus, each of which kept a well-manned boat ready on the instant to shoot out toward the Golden Gate, on the approach of any merchant vessel, so as to forestall competitors in securing stock. To this end a sharp lookout was kept, as we may easily imagine, and every means adopted at once to catch the first view of the incoming vessels and blind the eyes of the others to the welcome sight. It happened one opaque, misty morning that the fog lifted for a moment only, just long enough for Ross' sentinel to see looming seaward a magnificent brig whose white sails in the vision seemed to fill the whole ocean. Ross and his crew were soon afloat, pulling hard in that direction. So was the rival boat, for the watchers had been watched, and such movements were well understood. The advantage, however, was with Ross, who beside having the start, knew where the vessel lay; and by pulling stoutly out of course and then escaping them in the fog, he threw his competitors off the scent, found the brig, crawled up the sides to the deck, and as coolly as possible after the fancy of Yankee traders, saluted the captain and opened negotiations. "What ye got?" demanded Ross. "Waal," the captain began, "there's some woolen shirts, a hundred and fifty or two hundred dozen——" "Stop a moment," exclaimed Ross who plainly heard the sound of oars approaching every moment nearer, "what'll you take for everything on board?" "Oh, I guess you are joking," simpered the skipper. "No, I am not joking," said Ross, drawing from his pocket a handful of yellow gold. "What advance on your invoices will you take for all the merchandise in your ship?" The skipper pondered, not failing to notice the rapidly increasing noise of

oars, this sharp-witted Boston captain; he pondered as he eyed the New York man thus met on this western side. It was a long proceeding, carefully selecting and laying in this cargo, in which twenty or more shippers were interested, and guiding it safely through divers-tempered winds, over 16,000 miles of ocean, to this very far-away port—it was a long proceeding to be disposed of summarily, for three months would have been a short time ordinarily in which to have sold the cargo. Three months; and fifty per cent. would have been regarded as a good round profit. "Come, captain, if you want to trade, and I take it that is what you are here for," said Ross, now growing a little nervous, "how much advance, and the money down?" The skipper looked him steadily in the eye, glanced significantly at Howard who was climbing up the side of the vessel, and answered slowly, "one hundred per cent." "I'll take it,' Ross said. "This will bind the bargain," he added, as he passed over the handful of money. "And I'll make those woollen shirts pay for all the damned truck here," said the purchaser, as he regained his boat, swearing thus mildly not through lack of feeling, but because he was in training for a position as teacher in Wheeler's forth-coming Sabbath-school.

And the gentle Brannan, Sam; he learned to flaunt the Mormon's money bravely at the auctions. Sam delighted in auctions. Never was he so happy as when perched on a high box smoking a long cheroot, and sinking the small blade of his sharp knife into the soft pine. Gillespie was then at the head of the China trade, and the disposal of cargoes by auction was daily gaining favor. It saved so much trouble in the way of handling, and warehousing, and charging, and collecting, and prices were often better than when jobbed out. One day, pursuant to notice, Gillespie put up a cargo of tea to sell. At the hour, there upon his box sat Sam, smoking, and spitting, and whittling, thinking perhaps of the extravagant

price of wives in the market, and how much it would cost to people Zion at current rates; thinking of the temple to the living God which he was to rear in the wilderness; thinking of anything except lucre, and the price of tea. "Ten chests with the privilege," began Gillespie. "I will sell not less than ten chests, the purchaser to have the privilege of taking as much more at the price sold as he pleases." Around the open boxes merchants were blowing and crushing, and smelling and tasting; Sam sat serene. "And how much am I offered?" Gillespie went on. "Thirty-five cents, thirty-five; forty; and five; fifty; fifty-five cents I am offered; sixty. Are you all done gentlemen? Sixty cents, going; sixty cents, once; sixty cents, twice; third and last time—" "Sixty-one!" came from the top of the box. "Sixty-one, sixty-one cents, and sold. How much will you take Mr Brannan?" Now there was tea enough in that ship to give every grocer in town a good stock, and the bidders present had all so reckoned, and had deemed it folly running it up to a high price when they could just as well buy it low. The tea was then worth in the market one dollar and a quarter, or two dollars and a half, or five dollars, according as it was held and controlled. Brannan was the heaviest buyer there; he might take fifty chests out of the five hundred. So they reasoned, and were content that Sam, the ravenous, should first satisfy himself. Imagine, therefore their chagrin as in answer to the auctioneer's question, "How much will you take Mr Brannan," they heard come from the top of the box, where the eyes were still bent on the continued whittling, in notes like the snarl of a coyote, "The whole damned concern."

The prices of provisions were exceedingly unsteady, and those accustomed early in the morning to enter the markets with their baskets on their arms, for few delivered what they sold in those days, soon learned not to be surprised at anything in the way of prices.

One day George Eggleston stood behind a box of fine fresh eggs talking with Bob Parker from whom he rented his stand when a customer came up. "How much are eggs?" "Six dollars." "What, a box?" "No, a dozen." "Give me a dozen." Something in the little trade struck Parker, who delighted in waggery, as a little ludicrous; probably it was the indifference with which the customer bought eggs, paying as cheerfully six dollars a dozen as six dollars a box. And the plot of a little joke instantly arose in his mind. "George," said he, when the customer had gone, "you will never make anything in this business if you don't keep better posted in prices." "How so?" demanded Eggleston. "Why, here you are selling eggs at six dollars a dozen, when the regular price everywhere is eighteen dollars," responded Parker. "But I know where I can get all I want at three dollars," said Eggleston. "That's it," replied Parker. "You haven't the business sense that tells a man how to make avail of his opportunities." Parker then turned to speak to a friend; but one ear was open to Eggleston's doings as a dapper little man of family stepped briskly up and began negotiations "Hello, George, those are nice eggs; how do ye sell 'em." "Well," replied Eggleston, somewhat slowly and demurely, "eggs are a little up this morning; those are eighteen dollars a dozen." "All right," said the little man, "I'll take two dozen." And he laid down the thirty-six dollars far less grudgingly than the average Boston man would have given thirty-six cents for an equal quantity of the same commodity.

Potatoes were scarce and high at San Francisco during the winter of 1848–9, and as there had been scurvy in the mines they were specially desired. The Hawaiian Islands crop had been bought and eaten, and the ground had been hoed over a second time for what had been left the first; for prior to this last operation there was not a potato for sale in the

town. The day after the cleaning-up ship had come in from the Islands, some small watery specimens of the root were exhibited in the market, and on the doorpost of one of the hotels was tacked a shingle on which was chalked "potatoes for dinner to-day." And early that morning the thrifty burghers of the place were out with their baskets, smilingly asking the market man "How do you sell potatoes?" "A dollar and a half," the reply would come. "Give me a bushel." "A bushel! They are a dollar and a half a pound." "Oh! ah! I will take two pounds."

California gold largely increased the importation of silks, velvets, laces, jewelry, and other articles of luxury. It stimulated the building of houses, and carriages, the breeding of horses, but not the rearing of children; it increased the number of theatres, balls, parties, and concerts four fold, and advanced real estate values, and the prices of all commodities.

One day a man having 1,500 dozen eggs for sale, brought in by a coasting schooner, hailed a street merchandise-broker, of whom there were hundreds in those days, and insisted on his buying them, which the broker finally did, at 37½ cents a dozen. Right away the buyer began to sell at $4 50 a dozen, when the first seller exclaimed "What a fool I have been!" and securing the remainder at the last mentioned price, took them to Sacramento and sold them at $6 a dozen.

When tobacco was down, a man desirous of building a house on made ground tumbled in boxes of it, enough to form a foundation. Before the house was built tobacco was worth $1 a pound, more than a dozen such houses. Wanting a cross walk one threw in sacks of beans, which shortly after were worth thirty cents a pound.

At the restaurants of the period, Skinner's chop house on Second street, Sacramento, for example, were heard all the old cries of the cheap eating-houses of Fulton, Ann, and Nassau streets, New

York. Blustering waiters in greasy clothes switching filthy towels about the noses of their guests, bawl their orders from morning till night and from night till almost morning, in the honorable effort to fill the stomachs of the great unwashed. Loud of voice and with faces red they cry, through the hole which opens into the fizzing, smoking kitchen, "Hurry up them cakes!" "Plate of fish-balls quick!" "One rare steak; one hash; plate o' fried tripe, with one onion, done brown!" "Come, why don't yer hurry up them cakes; don't be all day!" Thus they continue, through the busy hours of meal time amidst clatter of dishes, and now and then a crash resulting from a collision of the carriers, varying their stern calls with benign and soothing words to the afflicted customers: "One moment, sir." "I'll attend to your case, sir." "Now then, sir; we have as you perceive by the bill of fare everything you can wish, sir." A miner mumbles forth his order, and the next moment is almost lifted from his seat by the shout: "Cakes, sausage, tripe, fish-balls, liver, and tea for one, quick!'

Long Wharf, by which name the lower end of Commercial street in San Francisco was known in the early years, was the rendezvous for thieves and thimble-riggers as well as for all sorts of peddlers, criers and "givers away" of merchandise. There Cheap John flourished in all his glory, and no matter how hard the times, drove, what appeared on the surface, a lively business.

"That feller in thar talks as ef he had his tongue iled;" remarked an attentive observer, a tall, raw-boned, hatchet-faced individual, one evening.

"Talking of iles," immediately broke forth the facetious auctioneer who overheard the remark, "I have something here which I raythor think will kinder take you," at the same time holding up as many bottles of hair oil, brushes, and pieces of soap as both hands could contain.

"Here's a lot of goods, gentlemen, worth in a reg-

ular way five dollars." The crowd smiled audibly. "Now, I don't want as much as that," continued Cheap John. "Times is too hard, and if you won't have 'em for something you may take 'em for nothing. I'll put 'em all at four-an'-a-'a'f. Who'll give me four? Take 'em along for three, gentlemen, you know times is hard and these goods must be cleaned out of here. There they are for two-an'-a-'a'f. Who says two? Down they go at one, and to show you that times is hard and that these goods must be sold, there they are for fifty cents, and I'll never ask a cent more nor take a cent less."

"Well, mister," drawled out the sharp-visaged observer, who by this time had worked his way up to the counter, "times is hard, very hard I may say, an' ef you'll jest throw in that 'ar coat an' pants, an' that 'ar vest, an' fiddle what's hangin' up thar agin the wall, why dang my buttons ef I don't paternize yer fifty cents worth."

Sickness was an expensive pastime in those days, and to indulge in some diseases was much more costly than in others. The fee-bill of the San Francisco medical society, organized June 22d, 1850, gives the prices for various visits and operations ranging from $16—one 'ounce,'—the lowest, to $1,000. A single visit was $32; a visit in regular attendance $32; for every hour detained $32 additional; advice $50 to $100; night visits as consulting physicians $100; for various specified operations from $500 to $1,000.

Doctors flourished, and as a class were no more scrupulous than ministers or miners. At Yeates' rancho, in 1849, a man died. He had two yoke of cattle and a large quantity of provisions in his wagon. Dr Sparks took care of him, and when he died claimed the cattle and wagon for the doctor's bill. Dr Sparks was soon taken sick and Dr Clinton took care of him. Sparks died and Clinton took cattle, wagon, provisions and all the property Sparks had, for his bill.

A wag published in the *Herald* of June 6, 1851, a caricature model business-letter of the day, from a California correspondent of an eastern shipper. The receipt of several hundred ship-loads of goods is acknowledged, most of which were sold at half their cost, and the remainder of the invoices were closed by the regular fire of the 4th ult. "Some two hundred of your vessels," continues the letter, "have cleared for China and the East Indies; the balance, say five hundred, remain in port from our inability to negotiate further drafts on you. Most of them are less liable to sink, as they now lie on the sand flats, than they would be if sent to sea, and we would advise their remaining as they are some forty or fifty years. We would advise the immediate shipment of some five hundred assorted cargoes as the supply in the market is not more than sufficient for fifteen months. Any article quoted at high prices, the consumption of which is limited, should be shipped in large quantities, in order to compete with the host of other shippers. In shipping dutiable goods, you need never provide for the payment of the duties, as we are at all times prepared to advance the amount required at ten per cent. per month interest; or, if you prefer it, have the goods stored in the celebrated U. S. fire-proof bonded warehouses, at the trifling expense of seven dollars per ton the first month, and three dollars each succeeding month. An anniversary fire is confidently expected on the 14th inst., when we hope to close most of our consignments."

Looking at the fleet of vessels at anchor in the harbor, one wondered how it was possible for three hundred thousand men to consume the cargoes of them all. But these three hundred thousand were equivalent to a million of mingled young and old, women, children, and men. Cities were to be built, farmes stocked, and mines developed, and all this required immense supplies and material. Little or nothing was then produced; even lumber for building,

and vegetables and grain, were shipped from distant ports.

The captain of a vessel landing from a small boat, threw his valise upon the shore, and calling out to a ship's porter, "Carry that valise up to the hotel, my boy," pitched him a half dollar. Drawing back from the coin, which he had permitted to fall upon the ground, with an air of magnificent disgust, Jack drew from his pocket two half dollars, and throwing them over toward the captain, exclaimed as he turned upon his heel, "carry it up yourself."

Some long-headed, leathery-brained Boston Yankee sent out shot. He had more shot than he could sell at home, and he had been told that there was considerable shooting among the miners; so he threw into a shipment a large consignment of shot. "Who wants shot in California?" exclaimed the consignee.

"Nobody," replied a broker.

"What'll ye give for 'em?"

"Don't want 'em."

"Didn't ask if you wanted them. I asked what you would give for them."

"Oh! ten or twenty cents a bag."

"They are yours at twenty cents."

The buyer then rubbed up his wits, and presently sold them at $4, to be run into revolver bullets. Then he bought a lot of tacks at ten cents a paper; for "what do people want of tacks who have no carpets?" he had asked. But when they began to tack up canvass houses, all those tacks went off lively at $2 a paper.

Of the firm of Priest, Lee and Company, at Sutter's Fort, was Christopher Taylor, who went from Oregon to San Francisco in 1848, on the brig *Henry*, which carried down produce, lumber, provisions, and passengers. In company with several Oregonians he proceeded up the Sacramento in the little vessel of Sutter and Hastings, arriving at Sutter's fort in September.

There they hired a team to take them to Coloma, at which place they encamped. He whom Mr Taylor calls his partner went over to the middle branch, where he met friends whom he joined, and was soon making one or two hundred dollars a day. Being thus left alone, Taylor returned to the fort, arriving the 25th of September, and having in his pocket about twenty-five dollars. While considering in just what way he would make his fortune, his money being pretty well spent, he was accosted by his old friend Barton Lee. "Chris, what are you going to do?" "Well," said Taylor, "I think I shall go into business here." "You are just the man I want," returned Lee. "Come and dine with me."

Now neither of these individuals had capital sufficient to pay a week's board; yet each thought the other possessed of abundance. Both, however, were enlightened before dinner was over. Lee had a little the advantage, as he had begun a large business by renting a room in the fort for a store, though he had nothing to put in it. For this he had promised to pay a rental of $100 a month; the first month's rent was still due. These interesting facts came out gradually between courses, as they might be told without affecting digestion.

"What do you think of it?" asked Lee after dinner. "I think I shall go into business," said Taylor. "Where is the stock to come from?" inquired Lee. "Do you know any one at San Francisco?" "No one," responded Taylor. "But we can get goods enough; we will buy them." There were at this time constantly arriving from the bay small sloops, laden with such goods as the miners required. Assuming the attitude of senior partner, although Lee had the room rented before him, Taylor said, "While I sweep out the store, you go down to the embarcadero and buy out the first vessel that arrives; buy everything on board." "But where will I get money with which to pay for it all?" Lee wanted to know. "Leave that

to me," replied Taylor. Lee did as he had been directed, and returned reporting the purchase of a cargo. "What does it consist of?" demanded Taylor. "Oregon bacon, flour, and boots and shoes," was the reply. "Exactly what we want," said Taylor. "About the pay—what arrangement did you make?" "Not any." "Well, in the morning say to him that his money is ready, and he shall have it as soon as the goods are landed." "That is all very well," said Lee, "but I would like to know what kind of a scrape I am getting into." "Does the captain drink?" "He soaks in it all the time." "All right; see that plenty of whiskey is always at hand; as fast as the cargo is discharged, send it to me, but do not let him take it out too rapidly; tell him our team is worked hard, and that we are so crowded we cannot stow it away faster."

All went on smoothly at the embarcadero. The master of the vessel thought Lee one of the best men he had ever met, exceedingly honest and truthful. Taylor handled himself lively about the store. He made trade brisk. Some of those in the crowd that was coming and going he knew; they and others wanted supplies. The goods as they arrived were not put into the store, but were piled up outside, thus making a grand display. Such large merchants must surely have large means, and good credit. The result of it all was the merchandise was sold as fast as delivered, and when the captain came for his money, the partners had enough to pay for the cargo, vessel, and all.

It happened one day with Mr Palmer, in settling off-hand some accounts with a business acquaintance involving heavy transactions, that he stood near a pile of lumber. There was due the man from Palmer $25,000, for which Palmer gave a check on Palmer, Cook, and Company, writing it with chalk on a shingle, which was presented and promptly paid.

The diggers alone produced the gold; as for the rest, all preyed on them and on each other. Even

the packers and traders were often hard pushed to make both ends meet, as when Simonton sold his mangy dog for $50, taking in pay two worthless pups at $25 each.

In the summer of 1851, business was decidedly dull. Everybody complained. Many returned home. Miners had touched bottom; for agricultural products there would be no demand, and the country was now a good one to leave. Auctioneers continued to hammer off goods at rates which, after paying freight, cartage, storage, and commissions, if the shipper was not brought in debt himself, he might deem himself fortunate. How like a golden dream the old time came over them—the brisk trade, and three and five hundred per cent profits of '49 and '50! Alas, but for the fires they might now be at home enjoying the fruits of their enterprise, instead of being obliged, for the third or fourth time, to try it just once more.

None felt the dull times which seemed to settle on San Francisco in earnest first toward the spring of 1852 more than the sporting fraternity. Many gambling-houses did not make enough to pay the music, and gamblers did not refuse to play for as small a sum as a quarter of a dollar. Fifty-dollar slugs were as common on the dealer's table four months previous as silver dollars were now. The absence of rain about the 1st of March made business men and miners blue. People were just beginning to realize the full effect of the absence of rain upon the interests of the country, and no one had the heart even to gamble. Grand raffles were then started to stimulate the flagging spirits of gambling. Tobin and Duncan, auctioneers of China goods, finding themselves with a large stock, and bidding being slow, engaged the Jenny Lind theatre, spread out a brilliant array of prizes, one thousand in number, consisting of diamonds, jewelry, paintings, and China fabrics, and on the 6th of March, 1852, distributed the whole by lot among the large audience in attendance. Five

hours were occupied in the drawing, which took place under the superintendence of a committee of eight persons. The first prize, a diamond watch valued at two thousand dollars, was drawn by one Moses.

Duncan's Chinese salesrooms, thrown open the 5th of April, 1853, made a finer display of Oriental merchandise and curiosities than any similar establishment in Europe or America before or since. Spacious rooms, tastefully fitted up, were crowded with costly Asiatic goods, presenting the appearance more of a magnificent museum than a shop. The wealth and splendor of the Indies were spread out in tempting array for the benefit or ruin of purchasers—shawls from Thibet and Cashmere, silks embroidered by patient Hindoos, Chinese robes, ornaments in wood and ivory, work-boxes of Bombay, scented sandal-wood, grotesque carriages from Japan, porcelain ware, and paintings.

Beside the elaborately wrought silk and crape shawls, which were very popular at first, but which soon went out of fashion, the Chinese shops in San Francisco offered many curious articles. Carved ivory, representing animals, cities, pagodas, junks; puzzles, fans, chess and checker-men in wood and ivory; sandal-wood, roots twisted into peculiar shapes; gorgeous but flimsy silks, satins, and velvets; inlaid lacquered ware and china, silver filigree work, pictures, and a thousand other things, displaying the æsthetic shades in the minds of those half-civilized heathen.

Business at the beginning of 1854 was pronounced dull; everybody was complaining. The miners lacked water, the country traders money, and so the warehouses of the city must groan with goods and their owners with *ennui*.

It would, indeed, have been very strange had not some become discouraged. One man landed in San Francisco in January, 1851, with $150,000 worth of goods. The first fire after his arrival destroyed half of them, the next swept away the remainder, and

after a six months business career in California, he returned home ruined and well-nigh heart-broken. No wonder that some, their fortunes smitten to dust, predicted for the city the fate of Babylon, and fled from its portals as from the gates of Sodom. But notwithstanding the rapid succession of disasters, which in any other country under heaven would have seemed fatal, again and again the city rose from its ashes, and its people buckled on anew their battered armor.

Yet the spring trade of 1854 was good. It fell off as usual toward summer, when there were great complaints against insane and avaricious eastern shippers for glutting the market with goods. In August there was a revival in business and general prosperity throughout the state. Notwithstanding the many destructive fires, building was active, and in the interior towns a better class of houses were erected than ever before. Marysville was specially lively at this time, and the coast towns from San Diego to Puget Sound—San Pedro, Santa Barbara, Santa Cruz, Monterey, Eureka, Trinidad, Crescent City, Port Orford, and others began to show signs of progress.

At one of the sales of the state's interest in the city of San Francisco water lots, in October 1854, 132 lots were bid off to a certain person who subsequently made two payments on account of the same in accordance with the terms of sale. At the proper time the purchaser presented himself before the auctioneers, the agents of the board of commissioners, prepared to make the third and final payment, together with the usual commissions and a fair price for drawing up the deed. The agents for the sale of the state's interest refused to receive this last installment, unless the purchaser would pay them in addition to their legal commissions $1,980 for making out the deed, being at the rate of fifteen dollars a lot for the 132 lots. Although but one deed for the entire

purchase was necessary, the auctioneer claimed the right to charge the same as if 132 different deeds had been drawn up. This exorbitant demand the purchaser refused to pay and the lots were resold by the commissioners' agents.

Thus matters progressed. From a savage wilderness there soon emerged a settled community; fortunes were made and lost; cities arose like magic and were destroyed by fire or flood in a breath; one day the noisy industry of a busy population echoed through the hills and ravines, and the next all was deserted as if smitten by the plague; speculative excess, gambling, and debauchery ran riot, while decency stood by helpless to restrain. Unworthy and unprincipled men usurped the highest offices, and by their nefarious schemes filled their pockets and those of their abettors with the ill-gotten gains of pilfering and dishonesty, and all this time the press was either silent through fear of personal injury, or basely sold itself to uphold iniquity. Then came a change for the better. Vice was compelled to retire from public gaze; the gambler and the harlot were no longer allowed to ply their trades on the most public thoroughfares in the broad light of open day, and the bench became in a measure purified.

Yet public and private enterprises of a substantial and permanent character were projected and carried out in greater numbers and more rapidly than hitherto. Formerly, such only were attempted as would immediately yield a rich reward, and these were accomplished with the least possible expense, and in such a manner as to last only for the time being. Tents, huts, and log-cabins were the homes of the miner, a raft was his ferry-boat, and a scratch upon the hillside his water-ditch. The towns and cities were of mushroom growth, merchants cooked and slept in their split-board stores, and guarded their goods and treasures from thieves and fires. Farming life was no better, and exhibited few evidences of that spirit of

content and permanence which now began to appear in well-tilled lands, with fences and drains in handsome dwellings with cultivated gardens and commodious outhouses. Culture and improvement began to be seriously considered; institutions were organized devoted to morals, religion, temperance, and the improvement of the mental and physical condition of the young. Plank roads were made, and substantial bridges built across the principal streams.

Some eastern men made money in California, but more lost heavily. If from sickness, fire, flood, or any other cause, the extravagant ideas of eastern speculators failed to be realized, agents were accused of fraud, and the reputation of the whole country called in question. A loss is mourned in louder tones than tell a profit, and as, owing to the chaotic state of affairs, venture after venture was lost, and men who had been known and trusted from boyhood slipped from the fingers of rectitude, the world was filled with complaints of California, and it was thought that gold and its corrupting influences had so undermined the principles of its votaries that the atmosphere of the Pacific slope was tainted with moral contagion. How many of those men labored true to their trust amidst the most disheartening reverses, their friends at home never knew. Rushing hither, blind to all before them, they found a condition of affairs very different from what they had anticipated. The mart was crowded with articles unsuited to the requirements of the country, and lacking what it needed most. The mines did not yield inevitable and immediate wealth, but severe labor was there rewarded by fluctuating success, so that the most faithful to their trust were sometimes forced to annul contracts and disappoint expectation.

CHAPTER XV.

ILLUSTRATIONS OF LIFE AND CHARACTER.

Al mondo mal non e senza rimedio.
—*Sannazaro.*

In newly-settled regions rural simplicity is rare. Ignorance, stupidity, bigotry there may be in abundance, but that innocence which arises from isolation, from the absence of the contaminating influences of fashion, frivolity, falsity, from the arts and humbug of high life, and from the demoralizing tendencies of social intermixtures, leading to deceit and dissipation, is seldom found in rural districts recently occupied. For the harassing cares, the asperities, the trials of temper attending family migrations, the clearing of a wilderness, and the planting of a home are not such as foster single-mindedness, domestic religion, and the tenderer graces.

As time went by, the moral and social condition of the mining towns greatly improved. There was an industrious, orderly, and intelligent population, with wives and sisters; there were churches, and schools, and libraries, and newspapers; there were well-filled shops, and money enough to patronize them, but yet they were far from being like the clean quiet villages of New York or New England. The stores were open on Sunday, and the saloons were better filled than the churches. The door of the harlot opened upon the most public thoroughfare, and from within might be heard by the passer-by the ribald oath and obscene jest, and the chinking of the gambler's checks.

Houses, streets, and society, and life in general, appeared crude and raw, as indeed they were.

Immigration, though decreasing in numbers, gained in quality. The character of its composition changed. Men now came to stay, bringing with them their families, their lares and penates, and sufficient money to establish themselves in some industry tending to the increase of commerce, or to the development of the country. The fitful and irrational passion which prompted earlier immigration was less indulged in by later comers, who sought success where success is usually found, in permanent plodding rather than in sudden acquirement. There were new avenues of industry opened, and plains and valleys were ornamented with homes, made attractive by cultivation without and endearments within.

Immigration was wanted; but not that kind of immigration which characterized the first settlement of this country, and of many new countries; not the lowest and vilest from the purlieus of cities, nor gamblers, nor ephemeral speculators; but earnest, honest, hard-working and law-abiding men and women, who should come across the plains with their ox-teams, their household goods, and their little ones; or crossing the water, should come to plant themselves in a new soil, and there remain and build up for themselves and their posterity a new home. The days of the adventurers were past; in coming they fulfilled their destiny, acted their part in the great social upheavals which, in their coalescing, outlined the configurations of future institutions, gave boundaries to thought, and color and climax to ideas; but now their work was done, and the slower process of disintegration and alligation must be accomplished by other agencies.

Three years had scarcely passed before it was discovered that California possessed charms as powerful to retain as to attract. It was a proud thing for the young villager to visit his old home with well-lined

pockets, the admiration of the girls, the envy of his former companions, and the special object of interest of the old folks. It was grand and heroic to be of California. Tamely to settle in the slow old home after participating in the glories of gold-digging, gambling, and free fighting was out of the question. Nor were home and friends and occupation to the more enlightened from the larger cities, ever again the same after a residence in San Francisco. Speculation and commercial pursuits after the old fashion offered no attractions after having made three or four fortunes with lightning rapidity one after another, though they were swept away by fire as fast as made. So gradually the contemplated brief sojourn lengthened into a fixed residence, the family was sent for, and then apparently for the first time the husband and father opened his eyes to the iniquity around him and went to work in company with wife and daughter to bring about a better state of things. And this moral morass was reclaimed almost as speedily as it was formed. Healthy plants could not grow in a swamp of festering corruption The question was simply should the country be reclaimed to virtue or should vice prevail. And now the easy citizen and loose moralist becomes a reformer. If the country is worth making his home in—and do his best he cannot live away from it—then it is worth purifying and directing in its young growth. So public gambling is suppressed, prostitution driven from the more prominent thoroughfares, libraries are founded, churches built, and schools established; charitable institutions spring up, and the ocean air, as it passes through the streets of the city and over the bay, toward the laborers in the valleys and in the mines, carries with it less of pollution and blasphemy than formerly; a long breath of it may now be taken without suffocation.

Enough sudden fortunes were made, enough rich deposits unlocked, to keep alive the flame of expectation. Who knows, thought the patient unsuccessful

delver but that my turn may come next, and my life be illuminated by the roseate tints of gold, warm mellow metal, transcendent gold. Take for example the tunneling operations which in 1854–5 dissected every hill. Without capital, without means even to buy bread, four or six or ten men form themselves into a company and coolly begin a work requiring years of labor and thousands of dollars to complete. Buoyed by faith in theories of world-building you hear them talking of ages past as other men talk of yesterday, reasoning of the time when channels of rivers wound round the lofty hills, when through a silent world tenantless streams rolled into a saltless sea.

Thus strong in faith, hope feeds and clothes the philosophic miner for months and years. He lives and labors, he scarcely knows how. Time passes; the end approaches; the last blow is struck; the point is reached which marks success or failure. Round him who washes the first prospect-pan on reaching the end of the shaft or tunnel, a group gathers breathless with anxiety. One with furrowed brow, and silver-sprinkled hair, and features fixed and immobile from care and toil, thinks of her who with him has started down the limitless decline, whose days will soon be past brightening with gold, and whose fate for life with that of others dear to him, the next five minutes may decide. Another, a young sire, forgotten of his children, scours into a fiery glow the hairy skin above the heart, calls back his flitting fancy from the heaven of the old home, and peers into that pan of dirt as into an oracle. Yet another, little more than boy in years, though old enough in experience, delicately featured and bearing signs of good breeding, the small hands hardened, and fingers cramped by crowbar and pickhandle, yet not so stiff but they can renew by every steamer the story of unchanged love to her whose image fills his heart, ah! What means the product of that pan of dirt to him?

Less and less become the contents, until at last the result is known—two ounces they think it is, but call it an ounce, and their fortunes are made. Yet for every one who wins, let it be remembered, ten fail. And what means failure such as this? It means a slice of life thrown to the dogs, a measure of capabilities emptied upon a dunghill, capabilities of enjoying, of improving; it means grayer hairs, deeper furrowed lineaments, and stiffer limbs, with no results in acquisition worth living for. And besides this loss of time, of hope, of energy, it means bankruptcy, a long unpaid and unpayable score at the butcher's and a dozen other like places; it means in the man and all his affairs demoralization, if not indeed dissipation and death.

The absence of cant and fanaticism, and the liberalized views of the people on all subjects saved California from most of those festering disputations and arguments to which the question of slavery gave birth in other states of the confederacy. Here all the world met as on neutral ground, ignoring bootless argument on topics foreign to their immediate purpose. Questions of social policy were based for the most part on utilitarian principles; doctrines and dogmas were left to those who had more leisure to discuss them. While many were in favor of the admission of California as a slave state, the majority were decidedly opposed to it; yet northerners were not disposed to quarrel with slaveholders for bringing with them their servants, and permitting them to work for their masters as long as they pleased. In the mining districts and in the towns there were many slaves, who of course could leave their masters at any moment, and did in the end leave them, yet for the time and midst the hubbub of contending events they preferred bondage to a severance of old ties.

In this pandemonium plunge, ten centuries of culture and superstition were flung to the winds. There were new thoughts, new hearts, new dress, new

speech, and new names. Conventionalisms, creeds, and politics were left at home in coming hither; here were new conditions for a fresh unfolding. New conventionalities arose, crude and strange, born of the necessities of the new society; for intellect, volition, and passion must of necessity develop form and fashion.

Some trivial circumstance—anything which happened to strike the fancy of the dominant spirits among his new associates—as likely as not fastened upon each new comer an appellation which adhered to him through life. Thus the dress of one suggested the name of Frippery Jim, the complexion of another that of Black Bill or Red Rover.

Almost every mining camp had its Yank and Sandy, its Little Breeches, Pike, Boston, Mississippi, Missouri, Bricktop, and so on, names significant of peculiarity or place. There was no one to vouch for the truth of the stranger's statements concerning himself. It was scarcely to be supposed that he would give his past character exactly according to the record; and who knew but that he might also have changed his name? "Who are you?" in a tone by no means likely to place a timid man at his ease, was the first question. "Sturgis, Deacon Sturgis, they used to call me in Connecticut, where I came from." "You a deacon," with an ominous step forward, "Hell is full of such deacons!" Another quick survey for a salient point, and a sanctimonious air seems predominant, which together with the report given of the new arrival determines the matter. "This is Pious Pete," and if the christened one was wise, he would gracefully accept his new name, and invite all hands to partake of the new communion.

San Francisco, as well as Athens, had its Diogenes. Philosopher Pickett was his name. Between Pickett and his Athenian prototype there existed certain differences incident in some measure to differences in age and country. For example, instead of rolling in

hot sand, and clasping snow-clad statues, the Californian philosopher sunned himself on the piazza of his hotel, and drank iced juleps. His tub stood in the lobby of the legislature, where he practised the profession of commanding men.

However at heart a cynic, the surface was charmingly bland. So it always was with Californian philosophers. Of whatsoever school, the very first requisite was a free and easy demeanor. This, with always a readiness to drink at some one else's expense, and a happy faculty of impelling the hands of listeners into their pockets for the benefit of a bar-room company, were qualities in obtaining an ascendency over the mind more fruitful than flagellations, chastity, poverty, or any species of antics or asceticism.

Office-seekers were not slow to perceive that Philosopher Pickett was endowed with qualities of great value to every one except himself. It is enough for a philosopher to be a philosopher. The moment he seeks wealth or political preferment the pedestal crumbles, and he becomes like other men, earthy.

Once a candidate for a legislative clerkship, noticing the extended acquaintance and easy influence of the philosopher, determined to approach him. The little man was courteous, and very free with his half dollars about bars and billiard-tables. In due time the applicant for office broached the subject nearest his heart, and begged the philosopher's influence. Pickett turned to him in apparent surprise, as if the man's every movement for the past three days had not discovered his ambition, and straightening his slim figure to its full height, fixed upon him a pair of glittering gray eyes, and spake:

"Sir," said he, "I am the last man outside of Plato's republic from whom you should solicit aid. Should I advocate your claim, the members would suspect you honest; and surely you must know that an honest man stands no more chance before a California legislature than a cat in hades without claws." The lan-

guage of Californian philosophers, it will be observed, is more forcible than elegant. "If you want office," continued Pickett, "cheat at poker, brawl o' nights, murder a man or two, show your breadth at bribery, —anything rather than display such weak imperfections as honor, honesty, and good character. Our legislators will none of these."

Many a walking romance, many an epic in flaunting robes or rags has wandered these hills. Far beyond the limits of human habitations, on the top of a mound surrounded by what was called the Doomed valley, there once lived a personage known as the Old Man of the Mountain. No one knew his name, or who he was, or whence he came. He was absent all day, no one knew where, returning regularly at night, and he was never seen to cook or eat anything. The scattered cooking utensils appeared never to have been used by him. Finally he vanished as mysteriously as he had come. How many hermits have walked the streets of this strange city, and how many hermitages have there been in unfurnished rooms and boarding-house garrets!

In common with men true to themselves, the intelligent, the honest, the faithful of every nation, California became the rendezvous of prize-fighters, thieves, gamblers, and murderers. Convicts came over from Australia, bold desperadoes of the order of Saint Giles, and outlaws from various parts. It was the paradise of the disgraced, the bankrupt, the defaulter, the felon. But happily these were a short-lived race, and there was enough of a different element at first to leaven the mass, and finally, in the shape of vigilance committees, to purify it. Then there were numberless intermediate and less influential grades, such as would-be leaders of cliques, who conceived it their mission to enlighten mankind and exalt themselves; exquisites, gentlemen by profession, and by profession only, whose feathers were speedily plucked by humbug-haters, who grew apace in the congenial

atmosphere; the excessively prim and puritanical, who when they fell never stopped until they reached bottom; godless young men, of rich and honorable parentage, who preferred the woollen shirt and unkempt beard of the miner with immediate independence to the more sedate and less venturesome life of plodding respectability, with the crowning honor of church deaconship or bank director to gild its latter days.

Notwithstanding the diversity of character here displayed, diverse in thought, customs, beliefs and tongues, there was almost immediately apparent—in the Caucasian portion of the society at least—a remarkable homogeneity and oneness in adaptation to the new order of things. Strangers to each other's faces, to each other's hearts, to each other's idiosyncrasies, come from strange lands into a land strange to all, and there at once fit themselves to strange and improvised ways never before heard of by any. The facility with which the several elements coalesced may be attributed to two causes. First, although the uprising was general and proceeded from nations distant and diverse, the exodus was one of certain homogeneous elements, no less individual and distinct than other migrations of peoples. Human nature the world over is framed on one model, and the component parts of an individual society, though widely scattered originally, may be collected and fused into recognised metal which shall pass current in all societies. Certain qualities and classes throughout all the contributing nations, were alike touched by the knowledge of the gold discovery, and rose up in answer to one common impulse. Secondly, being thus brought together obedient to common promptings for the accomplishment, each for himself, of a common object, there was a sympathy of interests and a community of thought and action never displayed by characteristics and nationalities so varied and extended since the crusades. The fact is, society here was at once so unique and abnormal, that it was impossible for anyone thrown into it not to con-

form in some measure to its demands; and this necessity, which lies at the foundation of all progressional law, threw over the moral and physical aspect of the people the same general tint. All had come hither to achieve gold; sudden acquisition of enormous wealth was the one idea, and all those social fictions which common sense vainly seeks a reason for were thrown to the winds. High and low, educated and ignorant, polished and rude, are all confounded in an all-absorbing fraternity of labor. Under the woolen shirt and grizzled beard the former dandy may scarcely be distinguished from the blacksmith, or the master from his man.

How sadly has the world degenerated! See that ragged blear-eyed tailor. Twenty years ago he was a white-shirted, shaved and mustachioed gambler, with his monte bank, his mistress, and his mule, all the gayest of the gay. The songbirds were not lighter-hearted than he, as he went home in the morning and turned into bed for a sleep after a successful night of it. Then how professions have changed and mixed themselves up since then. There are mechanics turned preachers; preachers turned politicians; editors turned lawyers and lawyers editors; a whilom bartender now practises medicine, and yonder scrawny-featured, shaggy-headed individual in Sam Slick costume takes photographs—very bad ones—in the mornings, and sits upon the judicial bench dealing out justice, too often as blurred as his pictures, in the afternoon. Dram-sellers have become millionaires, and millionaires and paupers alike have passed down the dance of death to the time-racket of delirium tremens. Ancient washerwomen are drawn through the streets in satin-lined carriages by caparisoned horses, and attended by liveried servants, while those who have known better days sit pale and sad of heart sewing from early till late for bread.

Yet, with all their Acherons and rivers of sorrow rolling over them, conscious always of sowing here

the eternal seeds of misery, despair and death ever gnawing at their heart-strings, the unsuccessful ones carry a bold, brave front, treating lightly misfortune. Melpomene's tragic face is wreathed in laughing ivy. They are not the men to groan over sickness and misfortune. They toil on, bankrupt in everything but hope, doubt contending with expectation as the pick, blow after blow, sinks among the boulders, with no more thought of giving up than the gambler who loses a bet. Their life has been a happy-go-lucky one; every blow they struck was a wager. No wonder they used to bet at the gaming tables, it being so much easier to gamble thus than to bet a hard day's work against the ten dollars that they would get or not get. Thus we see how money which comes freely from river bank or faro bank would go freely; we see how it was that prodigality would follow so closely upon the heels of avarice; we see how infidelity springs from impulse, until only one prayer is left to the miner. "Give us, O God, with the appetite, the gold to satisfy it.

In a general analysis of character prevailing in Californian society in its nascency, we must not lose sight of its composite and heterogenous qualities. Each individual member of society was a particle, independent of and in a manner antagonistic to every other particle. Notwithstanding the general homogeneity of material, there were antagonisms of interest, of disposition, of morals. Final concretion had not yet set in. There was then an absence of those clique-formations, political coalescings, and little society crystalizations which have since become so marked a feature in the community; and when organizations came, one of the first was a banding of villians for purposes of depredation. Every honest man's mind was intent upon its own affairs, and dwelt little on those affecting others or the public weal, except where safety or greater gain made closer communion necessary. All were strangers to each other; of their past

lives there was no record nor current report; men of tastes and habits the most opposite, such as the philosopher and the charlatan, the missionary and murderer, the merchant and the highwayman, were forced together in one incongruous mass. Nevertheless, there were traits common to all of them, prominent among which were extraordinary energy, and acuteness. It was a land of romance, the natural atmosphere of youth and inexperience, a land devoid of the dull sameness that overshadowed the lands all had left behind.

It was curious to see how proud were the successful Californians of the country. The man who had spent but three months here was entitled to the honor of calling himself a Californian—on returning home. Whatever his opinion of California while there, and howsoever much he had longed for home, once back among his friends and words could not express his admiration for the land and the people. It was the only place fit to live in, the only place where people knew how to do business, the only place where men filled the ideal of manhood, and as a matter of course he was going back. In everything Californian he took a keen interest. First of all he was proud of himself for having gone there, proud of the old clothes and shaggy beard and gold dust which he had brought back, proud that his eyes had been opened so as to take in a view of the world. He regarded with pity his old comrades who still plodded along at the rate of a dollar or two a day.

Never since the great Egyptian exodus have the Hebrew race found a soil and society better suited to their character and taste, better adapted to their prosperity and propagation than California. All nations having come hither, shades of color, of belief, peculiarities of physique, of temper and habit were less distinctly marked. Gold was here, and in common with the gentiles the Jew loved gold. For the rest,

all he asked was to be let alone, and here that blessing was granted him more fully than in any country he had ever seen. Gold and golden opportunities, money-making and freedom of thought, speech, and action, these were here, and these were the Jews' earthly paradise.

So Jeshurun waxed fat and kicked. He did not love work, so he carefully kept out of the mines; but in every mining town was found his clothing store, his fruit and trinket shop, his cheap John establishment. And in the cities he built him a synagogue, and warehouses upon the streets devoted to merchandise, and dwellings in the choicest suburbs. Hotels and watering-places were filled with his presence; secret societies felt his influence; but otherwise, save in his trafficking, he held aloof from gentile associations.

Liberalized by environment the Jews cared little for the tenets of their faith; many of them forsook God; few closed their shops on a Saturday; some sacrificed unto new gods; few took to themselves the daughters of gentiles to wife. Nevertheless they yet retained their ancient rites, which proved as bands holding them in one brotherhood.

True they shared with the Asiatic and the Americanized Spaniard the antipathy of the dominant race, with this difference: the antipathy manifested toward the Jew was perpetual and unattended by violent demonstrations, while repugnance to the Chilean and Chinaman broke out into occasional bloody encounters. In this inspiring of dislike they excelled all other people; though they did not seem to take it greatly to heart, and disliked as evenly and serenely in return. Money was the humanizing bond however; Christian and Jew loved money.

Here, as elsewhere, they mingled freely with the people, more freely, perhaps, than anywhere else since the days of Abraham, though they mixed with them as little as ever. Though crafty and cunning, and

oftentimes dishonest in their dealings, they were not more so than other men, and they usually managed to escape detection and punishment. Seldom a Jew was seen in jail, or in a mob, or intoxicated, though upon the slightest pretext many of them would fail in business, and compromise with their creditors.

Like the Chinese, they lived and accumulated wealth where more lax or lavish gentiles starved. This was to their honor, and to the shame of the spendthrifts. Often in early times in mining districts, forgetting their fathers and their fathers' faith, they drank, and gambled, and raced horses, and swore, and frequented houses of prostitution. Then they were fine fellows, and the noble American miner voted the Jew as good as the white man. Then the finger of scorn was removed, and ostracism no longer talked of in the charmed circles of commerce.

The Pike county man—which term was finally applied indiscriminately to emigrants from the western states—could not mingle with the mixed population of California without becoming in some degree toned down; the angles of the New Englander were in like manner rounded; even the Jew, eschewing old clothes, was often less mercenary than his neighbor, and attained a fair degree of manhood. Indeed, there are many Jews in California to-day who are far above the average American or European in liberality and high-minded public spirit. But notwithstanding the tincture given to society by the Englishman, the Frenchman, the German, Irish, Scotch, Swiss, Spaniard, Italian, and even the Chinaman, the Anglo-American has ever been the dominant mind. An intermixture of European, Asiatic, and African elements alone never would have made a Californian. It may have been a staid English colony like Australia, or the field of unprogressive fiery revolutions, like Spanish America, but it never would have experienced that season of speculative energy which has driven it so swiftly onward. The European is sedate, conservative, method-

ical, plodding, and contented; the Anglo-American is versatile, venturesome, cunning, dissatisfied, and captious.

California, naturally, with her sudden and wonderful appearing, demanded immediate recognition from the United States government as a full-fledged state. Was it not right and proper that she should be so recognized, and that the mantle of protection and the benefit of law should be extended over her? And yet, month after month of the year of 1849, she waited, now buoyant with hope, now sunk in despair, wondering if ever the time would come when party bickerings on the eastern side of the Rocky Mountains would give place to the interests of the people. A most anomalous position was that in which the inhabitants of California found themselves. They were part of a great nation, and yet were without government; a country rich in mineral and agricultural wealth was theirs, but they had only a limited control of it. Regulations for the extraction of its treasures were wanting. Titles to agricultural lands, which must be improved at the settlers' risk or not at all, were also wanting, and the national congress had failed to provide them.

By transient visitors, and writers on California, much more was said than was ever understood of the peculiarities of Californian society. As a rule philosophers and wise men coming hither can learn fully as much as they can teach. Though they can tell us many things we do not know, we can tell them many things we know, as well as many things we do not know, things they never met or are likely to meet elsewhere. The appearance which California presented to them, with frequent exaggerations and epithets denouncing all, was early heralded by harebrained writers in the various languages, and California made to appear in the most diabolical light, giving this as the normal state of American society.

There were always present alarmists and croakers

enough, who saw nothing but disastrous terminations of a social organization begun on such a low and sordid basis; who were always pointing to haunts of licentiousness, to drinking and gambling saloons, to ballot-box stuffing, public debt, political wickedness, and vigilance committees, to police reports and all the dismal paraphernalia of vice, as if these were California and the basis of Californian society.

Thus it was that for a quarter of a century in foreign parts and on our eastern seaboard, California was but imperfectly understood. After all the toning down and polishing up which society was destined here to undergo, in the minds of the distant multitude we were still the same lawless, godless crew that enacted the Inferno of 1849. And we asked how long we were to suffer the stigma and lie under the cloud; how long our elastic energies must turn and overturn before our foreign friends could see us as we were? We asked the question in the fifties and received our answer in the eighties. In this continued misconception of our character we may, however, more fully recognize how deep was the impression made by the discovery of gold. Roused to its remotest corners by the mill-race diggers' shout, the world in one glance fixed in its stolid brain the shocking nightmare that followed, and there the impression remained. And in truth enough even now remains of the old sulphuric smells and pitchy infirmities to modify somewhat our pride; but in that great day when our friends across the Atlantic and across the Pacific shall have made white all their robes, even as those of the daughters of Æger and Rana, may not the children of pioneers, and the survivors of the early pandemonium hope to have achieved in their eyes a change of raiment?

We have much to say of life in California; not so much of death; and yet all Californians die. In early times rum, exposure, and disease not being sufficient, they all used to carry revolvers to kill each other with. Ask them why they carried the man-killing

implements, and they would say to defend their lives. Yet in reality the arms which the miners displayed on all occasions for protection, impliedly from their companions, only invited attack and added to their danger. Though they thought, that like the belt of Thor, the Scandinavian war-god, these implements doubled their strength whenever they put them on, in reality they were weakened by them to that same degree.

They could die pretty well, die coolly, die with their boots on, as they called violent death, but theirs was not the coolness of wisdom and philosophy. Theirs was not the death of Socrates, for example. "Crito," he said, as the circle of the subtle poison narrowed slowly round his heart, "Crito, I owe a cock to Asclepius; will you remember to pay the debt?" "The debt shall be paid," said Crito; "is there anything else?" And so he died, these being his last words.

There was a class of young men who came to California in those days, by no means a small one, that commanded our special sympathy. They were mostly from schools and colleges, of fine abilities and high promise, well read, and many of them leaving pleasant homes and affectionate friends. Possessing a high-strung, delicate organization, their young ambition big with enthusiasm, they came hither with minds half formed, and with vague ideas as to their future. They only knew that here of all places in the world was their opportunity; that in this arena there was for every man a career, and distinction to him who had the nerve to win it. They felt in themselves the compressed energy of youth, the smothered fire of yearning aspiration. Lured by golden hopes, they joined the El Dorado argonauts and came to California. On reaching San Francisco, they found thousands of others, who, like themselves, had landed without money and without friends, and were looking for something to do. The professions were over-crowded, and all the avenues of trade thronged.

One of these waifs would start out in the morning and visit all the law offices; then he would hang around the courts and public offices; or he would go from shop to shop begging a situation. Only give him something to do, something on which to feed the fire of his ambition, and no matter how hard the work or how small the pay he would gladly undertake it. Give him a trial; he was apt and honest, and he must soon have work or starve. Day after day, from morning till night, and every day for weeks and months, with heart in his throat, and big shame-faced tears now and then slipping out from under his eye-lashes, his very soul sinking within him, he would make his mournful rounds. All was life and bustle, and merry money-making; fortune's favorites jostled him as they hurried past; only he with stifled longings was doomed to walk the streets like a beggar and an outcast. Yet not alone, for there were hundreds of others like him, every steamer emptying out a fresh supply, and the merchants could not furnish places for twenty applicants a day. Often a hundred of these sad earnest faces might have been seen standing at one time, at seven o'clock in the morning, before a store waiting for the door to open in order to answer an advertisement for a bookkeeper. At length heart-sick and disgusted they would scatter off, some finally to do the work of porter or day-laborer, or to drive a cart or milk-wagon, or to work on a farm; others, and by far the larger number, going to the mines. There the wanderer, standing in the cold running snow-stream of the Sierra, working in the river-beds or on the cañon-side until his limbs are numb and sharp rheumatic pains shoot through his shoulders, at night tossing in sleepless unrest on his hard bed, or gazing in heartful self-pity on the stars thinking of home, with crushed enthusiasm frets his days and nights away, at morning wishing it were night and at night wishing the morning were come, brooding over his lost estate and the unrewarded

drudgery which has befallen him, over visions of departed promise that rose so flush in his youthful manhood, now all fled, leaving him but the one hope of final rest. So time slowly drags along, while fortune flits before. Talk to the unfortunate of bearing up, of the folly of despair, of the greater difficulties conquered by the heroic struggles of others, and he will point you to years of unrequited toil, to the bright yellow ignis fatuus that ever eludes his grasp, to the many times when undismayed he rose after a fall, and applied himself with new energy to new tasks, until bruised in heart and bleeding he can rise no more. He asks not your sympathy; for his failure he makes no defence; he will never return to his friends humiliated; leave him alone to die!

It is sad to see dead hope entombed in a sound body, to see the vigorous mind cramped as in a cruel prison-house, and the guide of young manhood brought low. To him who was thrown upon himself in youth, and accustomed to the rough cares of life, it makes little difference where or how his lot is cast. If he cannot be cook he can be scullion, line his stomach with satisfying kitchen grease and be happy. But with those who have been carefully guarded in their youth it is not so. Crush the enthusiasm in an ambitious sensitive heart, put out the fire that drives the machinery, and you may bury what is left. Work is not the well-bred young man's misfortune; with an object he will work his fingers to the bone, he will work his brain until the veins on his hot forehead swell almost to bursting; he will leave behind him dead half a score of your mechanical drudges at work. Poverty is not his misfortune; to be well housed, well fed, and well clothed are trifles to him who has a purpose in hand. His misfortune is to have his intuitions stifled, his talents choked, his mind withered for want of development; this it is that makes him sour and misanthropic, all worth living for, growth, development, culture, an intellectual life,

a nobler manhood, or the hope of attaining these, forever lost. Perhaps it would be well for such a one to ask himself if it were not possible to find happiness in something short of the full realization of his original plans.

Success often springs from failure; at all events, it lies in the discipline wrought by noble efforts rather than in the end of wealth and luxury. Many a heart-sick wretch in San Francisco has wandered over these sand-hills, out around by the Presidio hills to the Golden Gate bluffs and the ocean, and there gazing forth on the broad waters, or watching the tumbling waves come in and break in silvery surf at his feet, thought of the dead past, of blasted hopes, and a black future; thought in self-pitying woe of home and the loved ones there; thought of the great gulf of separation here, and the dismal blank of the hereafter. "Why, O God! why is it?" he would ask. "Dost thou delight in breeding men to misery?"

CHAPTER XVI.

AMONG THE MINERS.

Mensura juris vis erat.

—*Lucan.*

The miners of the flush times, their characteristics and quality, their idiosyncrasies and temper, are as far beyond description as the wind and weather of California, where the twenty sides of twenty thousand hills, and the twenty turns of twenty thousand ravines have each an individual climate. Twenty life-times might be spent and twenty volumes written before the story of one mining-camp in all its ramifications could be told. The story of one mining-camp was the story of mankind; and to follow it after death was the story of the gods.

Each man of them should be enriched with heaped-up grains of gold brought down by the streams of the Sierra, as Crœsus was enriched by the golden sands of Pactolus.

Soon many of the camps could boast their church and schoolhouse, and temperance hotel, and express office and bank; the scattering huts and cabins, and split-board one and two-story houses, and squares of shabby shanties, with a block or two edged on one side with red brick or rough stone stores, all clustering beside swift-running streams, and the now stumpy hillsides, and taking on the dignity of town.

As out of rough stones a smooth even wall is made, so from these sometime uncouth characters, these hairy and woollen-shirted men, were formed staid

communities, with happy homes and virtuous environment.

Their reading was mostly of the English Reynolds type, and the French Faublas' *Liaisons dangereuses* order, "where," as Lamartine says, "vice parodied virtue, and riotous liberty, love." Their books were not always as full of charming villainy even as Rousseau's *Confessions*.

Alexander the Great, manslayer, was a small man; Alexander Small, miner, was a great man. Anyone with men enough could conquer any nation or kill any number; it requires no quality of greatness to do this, and surely no one but a fool would drink himself to death; but I do not know that any great man pretends to deny that he is a fool. On the other hand, he who accomplishes much with little; he who can deny himself, rule himself, is greater than he who can only rule others. Alexander the Great had ambition of which no medicine on earth could physic him; but force was greater than ambition, greater than all glory and all gods. Alexander the Great, dram-drinker, man-killer, and gambler in ordinary to his Satanic majesty, the world has known these two or three thousand years; Alexander Small, gold-digger to the gods, and the greater of the two, the world has never known at all.

Many great men have been underrated during their lives, many small men have been overrated; many small in some things and great in others have been rated small or great in everything. Ralston, as the California bank's president, sitting behind other men's millions, was great, as Crœsus was great; Ralston, a week later, dead, self-drowned, out of all his troubles, was a small man indeed.

Evil results sometimes flow from good qualities; some are generous because they are weak, and some are weak because they are generous. The sweeping winds of passion palsy the heart, jaundice the eye, and dry of its freshness all the gentler qualities of

their nature. Sometimes it became necessary for every member of the community to watch every other member, lest by some evil act the gods would be offended and send down vengeance on all.

Nevertheless, out about this wilderness, among comrades, partners as they frequently called each other, in times of sickness and death there were deeds performed such as hew mountains into statues in honor of the doers, while sea and solemn pines unite to sing their praises. And grotesque as might be the miner's burial as all knelt round the grave, old-time habit and the liberal potations drank in honor of the departed, aiding their genuflexions, there was as much heart as in brass bands or priestly palaverings.

Thousands there were who came and saw, but did not conquer. Coming for wool they went home shorn. Let the clouds write in dismal shadows on the red earth now abandoned of this swarthy society—*fuimus*, we have been! Complaint was of no avail; roast beef, plum pudding, and champagne were not with them in season. Verily, it seemed if ever in this bustling, breathing world times were out of joint, it was these Californian times of 1849. Wickedness prospered; virtue and merit appeared to be the enemies rather than the friends of fortune.

Many a sparkling mountain stream has proved to many a lusty digger an Acheron, a river of sorrow. His destiny had seemed to him as surely predetermined as was that of Achilles, foretold by his goddess mother. Stay at home and a long life of inglorious ease crowned by wealth and progeny awaited him; go, and a glorious death should swiftly follow a career of victory.

And now, round his bronzed visage, coarsely streaked with corroding care, hung grizzled locks wildly matted as by the heavy pressure of inexorable environment upon the brain. Under the Sierra's feet is gold enough for others but none for me. Bushels of it from all parts pile themselves up at the metropolis, and

thence is scattered to every quarter. Sent to the east, sent to the west, sent to Europe, to Asia, there to gladden thousands, why should not some of it gladden me by gladdening mine? There is gold enough for others but none for me. I have drank of Acheron, let me now drink of Lethe. My past let me consign to oblivion, and regenerate once more take my place among the honorable of the earth. Bring forth the divining-rod, the witch-hazel of the epidemic demonopathy, and let its subtleties become so clearly perceptible to the sublimated brain of the bearer, that the arch-witch gold may be found, aye, gold! aye, gold!

Hundreds went mad. Lunatics roamed the streets at large; indeed, it sometimes seemed as if all were lunatics. Horrible is the disordered laugh of madmen and fiends; and so is the hollow mournful mirth of rioting starvelings, making dismal with their half-ghostly orgies the lonely cañon. But they were not all as insane as they seemed. Should any object dear to them be laid in their pathway, they would turn aside the evil influences of their avarice or morality, as Ulysses, who affected madness to escape the Trojan campaign, turned aside his plough when the infant Telemachus was laid in the furrow.

Prostrate in blank despair, oblivious from drink, or battling undismayed, the life struggle still continues. Walk round the arena, pass by the fortunate—they are the exceptions, and can care for themselves—but glance at some who have fallen. The old white-whiskered bell-boy who answers your summons at the hotel was once a wholesale grocer, with a business of six millions a year; that waiter in the restaurant was once colonel in the Austrian service; an aide-de-camp to Larmorcier hires himself to a paper-hanger; there is a doctor driving a dray, here a graduate of Trinity college, Dublin, tending bar, and so on.

As the development of the country increased its classical abnormities, with some of its greatest charms diminished, and with the glamour of unreality origin-

ally thrown over all removed, pioneers began to look back upon it as a dream.

Time rolls on, and between the river banks and wooded hills smile little garden spots, enclosing neat white cottages, to which distance lends the flavor of the old-time home, where wives so long and anxiously waited the return of their rough darlings. And here they are still, far from the land of their birth, youth's hopes perished, hastening to untimely graves. Hatefully shines the new-minted metal, the price of conscience, of love, the reward of life's failure!

Slumber now is wooed not by the soft low tones of wife and children; the care-heated brain is soothed not by the magic touch of fairy fingers, nor is the roused heart calmed by the uplifting and out-going influences of family prayer and praise. Mingled with the coyote's howl comes the sound of revelry from the adjacent camp, while the panting river and the sighing wood sing their lonely lullaby.

And to the man of merchandise in the busy city's marts arise visions of home, of the native village, of friends beloved, of childhood scenes; rocks, hills, and wood; meadow, orchard, and the clear running stream; garden and barn; pets and playmates,—these, and a thousand like things, haunt them in their leisure hours, intrude themselves during the hot perplexities of business, and mingle with their midnight dreams. Time was when there were hours, blessed hours, uncursed by any burning desire.

Carelessly standing in one corner of Sinclair's house, in the autumn of 1848, half covered by the old lumber which had been thrown upon it, was a fanega measure full of gold, all but half an inch. Now a fanega holds a bushel and a half. One day came along Patrick McChristian, happy in charitable peace with the world, being himself in those days a prince among the diggers, for his pockets were always stuffed with his several thousands.

"What ye got there?" demanded Pat, as his sharp eye caught the glorious color beneath the rubbish. "O, nothing much," Sinclair replied, "my men brought it in." "Ain't ye afraid somebody will steal it?" asked Pat, as he threw off the articles that covered it, and took a long and deep look into it. "I don't lie awake nights about it," Sinclair said. "You may have it, Pat, if you will carry it away; yes, if you will lift it but three inches from the ground." Sinclair was a man of his word, but McChristian knew well enough the feat to be impossible. Nevertheless, he could not resist the temptation of plunging his hands into it, of stirring it up and smoothing it down, and finally, just for the fun of it, of taking a tug at it. "Only three inches from the ground," again Sinclair quietly remarked, "and it is yours, so help me."

Pat lifted, straining himself into seriousness, straining until he saw sky-rockets and shooting stars. It was of no use. The measure clave to the ground as if riveted there. It would not leave it a hair's breadth, and Pat was obliged to go forth and content himself with increasing his fortune by slower degrees.

The quality of their fellowship was rare indeed. Not more singular and hearty in verse was the welcome Horace gave Lucius Varius, his friend and fellow-student at Athens, and the fellow-soldiers at Philippi, than that given in reality by these rough digging men to a returned comrade.

> "Pour till it touch the shining goblet's rim,
> Care-drowning massic; let rich ointments flow
> From amplest conchs! No measure we shall know!
> What! shall we wreaths of oozy paraley trim
>
> Or simple myrtle? Whom will Venus send
> To rule our revel? Wild my draught shall be
> As Thracian Bacchanals', for 'tis sweet to me
> To lose my wits, when I regain my friend."

Under the shaggy uncombed locks were finely tempered brains puzzling over the body's destiny; and beneath gray woolen shirts were hearts, some large some small, beating to the measures now of celestial songs and now of Abaddon's wing-flaps.

Behold the bummer! An unlearned man of modest bearing, but fathomless cheek. Or if he be a legal or political bummer we call him brick. He, too, may sicken you with nauseating words, or be as quarrelsome, indolent, insolent, vicious, gambling, drinking, fighting, and dandified as any member of the Macaroni club that cursed Vauxhall gardens. This man never did a day's work in his life, never did a useful thing, never earned an honest dollar, never drew an honest breath. What he eats is not his own; his own flesh and blood does not belong to him. And when invited to partake, such invitation being the ever-present hope and aim of earthly existence, he takes from his mouth his tobacco quid, as the serpent vomits its venom before drinking for fear of poisoning itself.

The godless miners were not more free from superstition than papist or puritan fanatic. Once a Texan charlatan, a tall, broad-shouldered, sallow-faced, livid-looking fellow, Fletcher by name, dropped down on Murphy's, and the worldly wise and cunning of that camp were caught as easily as mediæval Christians. He professed to have discovered or invented a goldometer which would direct the possessor unfailingly to gold deposits, and enable him to trace unerringly the precious vein through all its dips and curves and angles, backing his statement by an offer to bet one hundred dollars that in ten minutes he would find a purse of gold hidden within the limits of an acre of ground. No one cared to waste time over such trifling; surely he should know of what he was talking; show them where the undug gold lay, and he should have his pay. Every man there had indulged in some little pet necromancy of his own conjuring which had cost far more than this; they could but lose. And so the Texan wizard bled them. Taking his magical instrument, which consisted of a metal-mounted wooden pointer split at one end so as to take in the man's waist, he proceeded to the diggings be-

yond the town, followed by a concourse of eager expectants. Arrived on the spot, after certain incantatory preliminaries which would have put to blush a Kadiak Shaman, he began to grope about as if in darkness, then suddenly starting up he struck out a zigzag course as if following a vein. Round the spur of the hill and down the opposite slope, over claims and through gardens the talisman-directed Texan went, while the crowd rushed for pick and shovel with which to mark out the line and unearth the treasure. Down they went, digging with a will, five, ten, fifteen feet, and no vein was struck. Deeper said the sage, and a crevice twenty-five feet in depth, which let the sunlight strike subterranean waters, was opened without result. A sense of swindle began to steal over those diggers and they went for the Texan goldometer man. But the end was not yet. Selecting one from their number he seated him on an empty whiskey keg, and began to mesmerize him and breathe into him the spirit of prophecy. Shortly the spiritualized miner began to talk, and he informed his eager listeners that gold was surely there, but that it lay ten feet deeper than they had yet dug. Satisfied by this voice from another world, they continued their work, but now with much greater difficulty, for besides being obliged to hoist their dirt they must pump out the water which constantly flowed in upon them, so that before they had reached the required depth the Texan had ample time to make his escape.

It was in the winter of 1849–50. Two men whose claims had yielded, every working-day during the winter not less than $140, and from that to $320, abandoned it early in the spring in order to hunt for something better. After a dangerous and fatiguing tramp over the yet covered snow-ridges, spending several months turning the channel of a stream which yielded nothing, they turned their faces backward and entered the nearest mining camp, without a dollar, and with nothing that would buy bread, unless it was a

double-barrel shot gun. The weapon was worth fifty dollars, but no one would buy it; the traders had stacks of old guns, which they could not dispose of, and no one just then happened to want such an article. Their case was becoming desperate; night was coming on, and the empty stomachs called loudly for food. Taking the gun in his hand, one of them stepped up before a store and called out, "Who'll give me five dollars for this gun?" One smiled, another shook his head, no one wanted it. At length the store-keeper reached out his hand and said, "Let me look at it." After examining it, said he, "I'll play you five dollars worth of pork against the gun." "Agreed," replied the impecunious miner. The miner won. "Now I'll play you five dollars worth of flour against the gun." The miner agreed, played, and won again. This was too much for the speculative proclivities of the crowd, and one of the lookers-on immediately bantered the lucky owner of the gun to play him five dollars in money against it, which was promptly accepted and won. "Now boys," said the miner, again holding up the gun, "I've made a raise; that let's me out; any of you can have the gun that wants it." Of course no one took it, and the miner then rising and picking up his pork, flour, money, and the gun he could not sell, but which had, nevertheless, served him a most fortunate turn, joined his comrade, when the two hastened to satisfy their hunger.

Some appeared blindly to stumble from one piece of good fortune upon another. A nasal-voiced New Englander in 1849, thought he would try California in a small way for a short time. So buying a ticket for $395, he sailed lazily down into the tropics and crossed the Isthmus. That, however, was a dull business; besides he was making nothing. Arrived at Panamá, he scratched his head, went to bed, and rose in the morning and rubbed his eyes. Then he went out and sold the remainder of his ticket which was to

carry him to San Francisco for $700, hired himself as butcher to the steward of the same steamer for $100 the passage, bought a pick in San Francisco, and followed the crowd to the mines, turned up gold the first blow he struck, took out $9,000 in the course of a few days, sold his claim for $2,000, and returned home to marry Hannah and set his traps for a deaconship.

Probably there never existed a community more prodigal in their generosity, and more munificent in their charities than the fortune-hunters of California. It is nothing new, it is nothing paradoxical, to see lavish expenditures attending successful ventures; and often it is that the more men risk for money the freer they will spend it. With Spanish conquerors human life was held in low esteem as compared with gold, which once obtained was flung about as a thing of little value. Winning gold with sword, shovel, or cards, does not breed economy.

Few camps at the first were without their quarrelsome cut-throats, who, like Achilles, preferred an early death with glory to a long and quiet fameless life. It was the assassin's paradise. In the faces of some were painted the colors of debauchery. Rudeness was their rule of courtesy.

The sun contains neither gold, silver, tin, lead, nor mercury, and yet the lusty diggers loved the sun. They slept on the gently sloping hill-side, or down in the dry beds of the rivers, roofed only by the timbered banks, and lighted only by the dim cathedral light of the stars, which slid their rays through the rents in the foliage overhead. Chaste as Diana, the yellow metal seemed to possess her power, and turn intruding Acteons into stags. Boys still in feeling, their locks began to silver, and soon they were old men.

As regards gold, for which these men had come so far, and toiled so hard, and sacrificed so much; gold, for which loved ones far away were even now suffer-

ing, waiting with fond and faithful expectation the wanderer's return, surely every grain of it should be dearer than his life's blood to the finder, and hoarded as miser never yet hoarded wealth. Let us see. Says the alcalde of Monterey: "My man Bob, who is of Irish extraction, and who has been in the mines about two months, returned to Monterey four weeks since, bringing with him over two thousand dollars as the proceeds of his labor. Bob, while in my employ, required me to pay him every Saturday night in gold, which he put into a little leather bag, and sewed into the lining of his coat, after taking out just twelve and a half cents, his weekly allowance for tobacco. But now he took rooms, and began to branch out; he had the best horses, the richest viands, and the choicest wines in the place. He never drank himself, but it filled him with delight to brim the sparkling goblet for others. I met Bob to-day and asked him how he got on. 'O, very well,' he replied, 'but I am off again for the mines.' 'How is that, Bob? You brought down with you over $2,000; I hope you have not spent all that; you used to be very saving—twelve and a half cents a week for tobacco, and the rest you sewed into the lining of your coat.' 'O, yes,' replied Bob, 'and I have got that money yet; I worked hard for it, and the devil can't get it away, but the $2,000 came asily by good luck, and has gone as asily as it came.'"

A negro, finding himself adrift in the gold-land, thought to lay in a store, so striking out with the rest, he began at once to realize his hopes. He had not long been at work when a rusty miner, bristling with bowie-knives and revolvers, came down upon him.

"Hello, you black scoundrel, what are you doing in my claim?"

"Beg pardon, massa; didn't know dis yore claim."

Glad to get away with his black skin unpunctured, he next essayed an empty hole at the foot of the hill,

but no sooner was he fairly at work when he was greeted with:

"Get out of there, you infernal nigger, or I'll blow your head off!"

"Good Lord, massa, is dis yore hole? Where, then, shall I dig?"

"Go up on top of the hill and dig, and be damned," was the reply.

The negro went, not dreaming that he had been directed thither as the most unlikely place to find gold in the whole district. Nevertheless, he sunk a shaft, at the bottom of which he found gold, which he took out to the value of $4,000. The place was named Negro hill, and proved to be the richest diggings in all that region.

Labor was the only honorable occupation, and labor was essential to manhood. He who did not work was a social bastard, and a shirk. Lodging-houses in early times consisted of a shanty, with walls lined with standing berths, having coarse beds always ready made, so that the proprietor had little else to do than to sit on a stool and take the money. A miner once having occasion to occupy such a bed in San Francisco seemed troubled in mind as he weighed out the dust, and finally broke out with:

"Say, stranger, do you just sit thar and take a dollar from every man that sleeps on them beds?"

"Yes, that's my business," replied the keeper.

"Then," said the troubled miner, slowly, as if talking to himself, "its a damned mean way to make a living, that's all I've got to say about it."

See that fortnightly steamer, proudly furrowing her way through the great deep from Panamá to San Francisco! To the scattered inhabitants of this vast Pacific slope she brings intelligence from the old busy east. Here is money and merchandise; here profit and losses; here germs of fortune and seeds of bankruptcy. This, however, is not all. This ocean-

plougher, a thing of life, comes freighted with high destiny. Laden with how many tons of joy and sorrow comes she? How many bundles of love and hate brings she? How many thousands of little packets of happiness and misery are to be distributed from the mass of mail-sacks in her hold?

Many were the men coming from the mines with their little bag of hard-earned gold-dust, just enough to carry them home, and perhaps a little more, who fell victims to the slight-of-hand sharks of Long Wharf. It is strange that so many simple ones with beards and brawny arms and wrinkled faces should be found among those who had spent a year or more in the country. It certainly speaks well for their associates in the mines; but most of the weather-beaten innocents were western men who came across the plains and had never seen New York, San Francisco, or any other large city, and the professionals of Long Wharf were adepts, and very shrewd. Numberless were the complaints of these old infants before the recorder, of having been inveigled under some pretext into a low den, and there robbed, or induced to bet on some sure thing. The cappers for these houses could put their hands upon their victim among a thousand; usually in some way they professed friendship for the countryman, and gained his confidence—he was from the same state, was likewise going home, was just about to procure his ticket, would show his friend the way, stopping, accidentally of course, at the house of his thieving associates.

Thus in the mines were elements instinct with riot and unrest, while in the cities numberless were the disgraceful bankruptcies attributable to foppery and the indulgence of the palate. Such as these, emptying at one long draught the Circe-proffered cup, straightway were turned to swine, retaining yet their human faculties. To some it seemed as if a premium was laid on indulgence and extravagance. Fires were sweeping

away cities and their contents; floods spread periodic desolation over the land, mining and business ventures were like staking money—or what was worse, time, sinew, health—only from the falling of the dice, and from that which a man spent could he expect to receive benefit.

Every mining-camp had its Anacreon, its jovial and musical toper, who drank and sang in praise of wine and love. Every camp had its ruling spirits, careless of the morrow if only they might by the magic of their gold, ardently spiritualized by drink, be perfectly happy for to-day. They were as wild in their beliefs and theories of gold-deposits as was Samuel Lover's fairy-finder, Darby Kelleher, who threatened to make mincemeat of little drunken Doctor MacFinn, whom he mistook for a Leprehaun, if he did not straightway fill his chest with gold.

It was a matter of no small pride to go back home successful, and thousands remained and died rather than be seen by their friends as poor as when they went away. "Home or the mines!" was the watch-word of more than one gambling venture. There was an Englishman who, having secured a bag of gold-dust, the result of a summer's work in the mines, reached anchorage at Liverpool with his treasure in safety; but on going ashore, the gang-plank gave way, and he was precipitated into the water. To save himself he dropped his bag of gold, and was never able to recover it. Happening to have about him just enough to pay his fare to California, he immediately purchased a ticket, and returned to the mines without ever once casting eyes on his old home, or grasping his friends by the hand.

But the lucky ones! How forever after by all the villagers they were held in reputation as the bravest and wisest of men, even as was Haddad Ben Ahab, who journeyed to the wall of the earth's end, and from its top gazed on the mysteries beyond. Yet there were some who, after a weary search for great

things, returned to their homes, only to find their destiny in village labor, their fathers at first seeming in their eyes old-fashioned, fossilized, non-progressive men of *la vieille roche.*

The stories told by returned Californians were to their hearers fabulous; and they were, indeed, too often as little worthy of literal belief as the wonders Rabelais narrated concerning his hero—how seventeen thousand cows and more scarcely supplied the babe with milk; how the mare on which he rode was as large as six elephants; how he cut lettuce as big as walnut trees, used for his hair a comb nine hundred feet long, and for a toothpick an elephant's tusk.

CHAPTER XVII.

SQUATTERISM.

Some suffer them selfe for defaut of aparaunce,
To be outlawyd, and other some suspendyd,
Out of the churche for hys mys goueranunce,
And yet nought caryth, therfro to be defendyd,
Howe beit they myght: and haue theyr mater endyd,
Suche assay by falshode to prouoke the lawe,
And than it fle, and them therefro with drawe.

The Ship of Fools.

SQUATTERISM is the doctrine or system which has for its base the maxim eminently American that all citizens have equally the right to share in the common property of the country, particularly in the public domain. The terms squatter and settler are often used synonomously, the former being no more a word of opprobrium than the latter. A squatter is one who takes possession of and settles on unoccupied land. He may do so legally, taking possession of lands belonging to the government, and in accordance with all the requirements of government, or he may plant himself on lands belonging to another or on lands in dispute, or on lands covered by Mexican grants of which he had no knowledge, or in the validity of which he had no faith. The term settler is rather the more respectable of the two, as that implies simply one who makes his home upon a piece of ground formerly either public domain, or land held by another and acquired by purchase. Thus we see a squatter may be a settler, and a settler may be a squatter. There is this distinction, and this only: a settler is seldom intentionally a fraudulent squatter, although a squatter may be a respectable settler. As

a rule, however, the term squatters is applied to those who settle upon the lands of another, or upon lands in dispute, while the settler is one of that worthy and enterprising class who enter upon and subdue unappropriated public domain, and thereby establish a claim, by virtue of first actual possession, to the right of purchase or of title in conformity with law. Of course a man may settle himself in town or in a thickly populated district; but the term is usually used as I have said. Between the honest settler and the unprincipled squatter there was a marked difference. The one was contented with what land he could use, and willing his neighbor should have as much; he did not oppose monopoly in another while practising it himself; he was not unjustly agrarian, but ready to respect the rights and titles of others, as he would have others respect his. If the large grant-holders came into possession of their lands justly and in accordance with law, the land was theirs. If our government promised to respect those rights, it should do so, at whatever cost to its citizens. Without going back to the time when these grants were made, when the Mexican authorities could not give their lands away, and regarded every loyal settler an acquisition compared with which a few leagues of land were as nothing; without taking into the account the necessities of these grant-holders for broad lands for grazing purposes, their risks of life and property among the wild natives, their isolation, and their chances of never again living in civilized society,—which indeed, but for the accidental discovery of gold, they would not, nor scarcely did then,—without taking these and the like into consideration at all, the holders of large land grants righteously obtained are as much entitled to protection as any other class of men in their possessions.

The squatter of the California flush times was one who assumed the name of settler without being entitled to it. He was a professional gull, ever hover-

ing about some broad-acred pelican, which had dived into the depths for its possessions, and held them rightfully. He it was who speculated in town lots, staked off farming lands, jumped mining claims, and stole the nest of another rather than build one of his own; waiting and watching for opportunities to pounce upon the property of others if so be he might escape the law's penalty.

The squatters of Sacramento, affirming that the lands of Sutter belonged to the United States, resolved, in July 1850, to hold possession of that which they had seized, peaceably if possible, forcibly if necessary; and if the bail of an arrested squatter should be refused simply because the bondsman was not a land-holder under Sutter, all executions issued in consequence thereof should be deemed illegal, and the associated squatters should "act accordingly."

A commission was appointed by act of congress, early in 1851, for the purpose of ascertaining and settling private land claims in California. It was to consist of three commissioners appointed by the president, a secretary skilled in the Spanish and English languages, and not to exceed five clerks; it was to continue for three years, unless sooner terminated by the president. An attorney was to be appointed to attend the meetings of the board, and guard the interests of the United States in the premises. The commission might summon witnesses, and administer oaths; and every person claiming lands in California by virtue of any right or title derived from the Spanish or Mexican governments, should present the same to the commissioners when sitting as a board, together with such documentary evidence and testimony of witnesses as the claimant relied upon in support of his claim. Appeals from the commission might be made to the United States district court, and thence to the United States supreme court. Three tedious tribunals, attended by harassing and expensive litigation, were thus to be undergone before the land-holder was

secured in the peaceable possession of what in the beginning was his own.

In deciding upon the validity of claims, the commissioners and courts were to be governed by the treaty of Guadalupe Hidalgo, the laws of nations, the laws, usages, and customs of the government from which the claim is derived, the principles of equity, and the decisions of the supreme court of the United States so far as applicable. A patent should issue to claimants for all claims finally confirmed; those finally rejected should be considered as part of the public domain of the United States. Land granted by the Mexican authorities for the establishment of a town in existence on the 7th day of July, 1846, and town, farm, or pasture lots held under a grant from a corporation to which lands were granted for town purposes, did not come under the jurisdiction of these commissioners; and the fact of the existence on the above mentioned day of any town or city being duly proved was prima facie evidence, either of a grant to the corporate authorities or to the individual, under which holders might claim. It was the duty of the commissioners to ascertain and report to the secretary of the interior the tenure by which the mission lands were held, and those held by tame Indians, agriculturalists, rancheros, and pueblos.

It was hoped that when California became a state the uncertainty in regard to land titles, which exercised so fatal an influence on agriculture and settlement, would be quickly terminated; but it was about a year after congress had created a commission, whose duration, as I have said, was limited to three years, that the commissioners presented themselves in California.

Many of those who emigrated to California were informed, and undoubtedly believed, that the vast territory ceded by Mexico, and whose beauty and fertility had been so extolled, was at the time of its cession the public property of Mexico, and as such,

with the change of sovereignty, became the public property of the United States. Under that belief they came with their families, household goods and cattle, feeling certain that an abundance of valuable agricultural land was to be had for the taking. Therefore, when on arrival they found all the best arable lands covered by enormous grants to the Mexicans and others; that their government had neglected to carry out treaty stipulations to determine the validity of those claims; that the lands of native Californians even were daily wrested from them by combinations of squatters and thievish lawyers, they were greatly disappointed and naturally indignant. Then it was that breaking down all hedge-rows of law and logic, they struck the bold decision that these pretentious ten-league land-holders were usurping monopolists, who, like savages, unjustly held from advancing civilization broad areas of God's earth for which they had paid nothing, had no use, and to which they had no right. Nor were there lacking lawyers and political demagogues ever ready at hand to feed the fire of their unjust anger and prey upon their prejudices.

The immigrants complained in a memorial to congress, forwarded in December 1849, when social quiet was most disturbed by the squatter excitement, that they had come hither in the belief that their government had purchased this territory from Mexico, and that they had the right to preëmpt and settle upon lands here as in any other part of the public domain. But, instead of possessing that right they had found themselves to be trespassers, subject to the extortionate demands of pretended owners. Denied them was the privilege to pitch a tent, to plant, to build, to occupy. There is scarcely a spot fit for a settlement, town-site, or farm, said they, that is not crossed with Mexican titles or Spanish grants, and held by the possessors for speculative purposes, greatly to the injury of *bona fide* settlers. Thirty miles square in the

Sacramento valley are claimed by two persons, who parcel it out to gambling speculators for the purpose of obtaining high prices from actual settlers, and this was but a single instance.

There were not wanting men to espouse the cause of law and order, in its relation to squatterism, as elsewhere, and to cry loudly against the violation of the sacred principles that constitute the frame-work of society, whenever such violation stood between them and titles to lands held or coveted. On the other hand, if law and order stood between them and their interests, they were the foremost to espouse squatterism and brute-force title. The *Herald*, at first the great champion of reform, the leader of the people, and the instigator of committees of vigilance, was denounced by its contemporaries, as later it denounced the leaders of the reform of 1856. "Nothing more plainly proves the real opinion of many landholders and speculators in the city," says one, writing in the autumn of 1850, "regarding the validity of their titles, than the reckless and desperate course they are now pursuing, as expressed through their hireling newspaper organs, at the head of which stands the *Herald*. If the present judges cannot, like most of our old alcaldes, be bribed to uphold the existing system of land-ownership, and in the face of all law, equity, reason, honesty, and common sense, decide that the beach and water lots, as well as the greater portion of the rest of the city, are indisputable titles in the names of those holding them under such a system, I would ask the *Herald* and its supporters what they expect to gain by overturning these courts, murdering the judges, and raising a civil war to destroy the very government which, for the time being, alone gives any support and countenance to the dishonest and fraudulent land robbery practised not only in this city but in all parts of California."

Low indeed lie the social sewers through which

flow our party politics. Out of the depths, all whiskey-soaked and in ignorance drenching, were brought Erin's exiles to be made kings. Then the down-trodden African was lifted to the bosom of northern republicans, and borne tenderly to the polls. Next in turn come the Chinamen, now called pig-tailed, and turned into social swine, grunting under the blows of the lordly Irishman; but when needed by a political party every one of them should be a sweet John, and a lovely almond-eyed American voter. The squatters of California were at first denounced by the officers of the law, who called them outlaws, murderers; but when these same office-holders desired reëlection, and squatterism had become a power in the state, then candidates of every party vied with each other in grovelling prostration. From their vocabulary the term "squatter" was stricken, and every land-robber was an honest settler.

The immigrants were undoubtedly much disappointed at not being able to step in and take possession of the choicest morsels of the new domain, and thereupon indulged their disgust with all the senseless bombast common to enraged, free-born citizens of the great American republic. With wagons, tents, and equipage, with guns, knives and pistols, they swarmed upon the lands of the grant-holders, threatening death to any who interfered, and even went so far as to approach the verge of growing towns and stake off upon the principal streets, beyond the limits of the occupied portions, town lots at intervals of forty feet, marking the stakes with the names of the claimants, and the time from which such possession dated.

Thus it was that very early in the history of American occupation in California, squatterism became an evil. It was indeed only a phase of mob law, but with this important difference. A resort to popular, arbitrary administration of justice might, under certain circumstances, be excusable in criminal cases, where the vital principles of social good conduct were at

stake; but in civil differences, which by no possibility can a resort to arms in any wise lessen, and which must ultimately be determined by arbitration, by the courts, by common sense and reason, and by nothing else, fighting is brutish. In squatterism the existence of courts is ignored, not because, as is the case with vigilance committees, justice cannot be obtained and the guilty escape, but because justice is tardy and claimants are impatient. And then the men of California had so long been thrown upon themselves for the redress of grievances, that they had acquired the habit of fighting their own battles, deeming a resort to law contemptible petty-fogging. No! the first, the brawny arm, the knife, the revolver, these were the tools for them! Away with law and title deeds; we want not reason, we want the property!

Swarms of squatters settled on every available spot about San Francisco, whether already claimed or not. The sand hills were so fenced in, without regard to roads or regularity, that it was with difficulty a wagon could make its way beyond the suburbs in any direction. Fights between claimants were frequent, women joining the men in their shooting scrapes, and not infrequently officers in the discharge of their duties would be threatened. Most of the land at El Rincon, that is to say Rincon Point, or Rincon Hill, was held by the government as a reserve. The United States leased it for a time to Theodore Shillaber, who, upon attempting to take possession the 28th of February, 1850, found it covered with squatters, men of Sydney and that class, who refused to pay rent or vacate. Captain Keys then in charge at the presidio, detailed twenty soldiers to the place, who demolished the tents and shanties and drove off the squatters. One of them brought suit against the captain for damages which was dismissed by the court. In July 1853 the sheriff, Johnson, was shot by a squatter while placing in possession the rightful

owner of a lot on Mission street; Union Square was fenced in, and when by order of the mayor the street commissioner attempted to remove it, the claimant drew a pistol but was disarmed before he could use it. It was in a quarrel over a lot on Greenwich street that John Baldwin, an old and respected citizen, was shot dead by one Hetherington. There was a multitude of affairs of this nature, many of which resulted fatally.

Samuel Brannan in 1851 had deeded the Odd Fellows' ground for a cemetery, and by mid-summer 1853 squatters swarmed on it. In certain quarters there appeared something like systematic organization with wealth behind appearances.

It appears that Captain Folsom experienced no little trouble from the squatter. He repeatedly employed armed bodies of men to clear his property, tear down fences, demolish houses and drive off claimants. This was a rather arbitrary practise for a whilom government officer; but the courts were slow, much slower than gunpowder; and when property was rapidly appreciating and depreciating, lengthy litigations would entail loss even to the winner. A lot on the corner of Mission and Third streets was the scene of a fatal squatter riot about the first of June 1854. Some ten men were engaged on either side. The police were rather inclined to favor the squatters, but they were finally ejected. In this disgraceful affair two men were killed and five wounded.

So rank had become this evil that holders of property under title derived from the city, and others, held a meeting on the 5th of June, 1854, at the office of Theodore Payne and Company, and steps were taken toward the appointment of a special police for the protection of their lots, or in other words, for the organization of a band of fighting men to drive away the squatters. Something of the kind was needed, and, indeed, justifiable, for the squatters had entrenched themselves on Mission street, and threatened havoc

and death, fire and extermination, should any attempt be made to expel them. Fort Larkin the place was called, in honor of one of the ringleaders. The galley of a sailing-vessel, perforated with port-holes, had been planted as a fortress on the disputed lot, overlooking which, on a sandy eminence, stood a dilapidated shanty, the headquarters of the belligerents who thus aspired to become owners of lots by merely taking possession of them. The next day a much larger meeting for the suppression of squatterism was held at Musical Hall.

More and more audacious the squatters of Mission street became every day. And the infection for obtaining property without rendering an equivalent spread rapidly over the city. Soon there was scarcely a lot that was not fenced in and guarded, either by its rightful owner or by some wrongful claimant. Presently squatter rose up against squatter, and fought each other. On Green street, between Stockton and Powell, James Lick owned a lot which two squatters claimed simultaneously, Murphy and Duffy being the contending claimants, and each backed by a subclaimant. One party erected a fence, and when the other side attempted to pull it down, pistols were fired, and a woman and a man shot. The squatters were no less active than their opponents in holding meetings and forming secret associations. Before the disputed premises on Mission street armed men were stationed, who marched back and forth night and day like sentinels. The authorities at length took the matter up, and drove them away; but scarcely were they out of sight before the squatters were back again in possession, and nailing up their demolished fences. Finally they were effectually dislodged; the rightful owners were then placed in possession, and peace again smiled upon the sand-hills.

It was the fashion of purchasers of water-lots to stake off the limits of their submerged lands and fence them in by means of pile-drivers, paying little regard

to the necessities of shipping or the rights of other claimants. This custom led to many fights along the city front, and numberless injunctions and complaints in the courts.

Possession was generally regarded the best title, and to obtain or hold possession a resort to arms was of daily occurrence. In acquiring or maintaining title to the water-lots of Yerba Buena cove, the pile-driver was an important agent; superseding Irishmen, it fenced city blocks in the bay, and if dispossessed, fell back upon strategy to maintain possession. A certain block, for example, was wholly enclosed on three sides, and on the fourth the fence of piles was open only sufficient to admit a vessel. Just within this entrance were stationed two store ships, green water-dragons guarding possession, and keeping the pile-driver away from what it had with so much difficulty enclosed. Either the vessels must be carried by a storming party, and the aperture closed by the pile-driver, or they must be cut loose and turned adrift in the dead of the night. In this instance both devices were used and a long list of fights and law-suits followed.

Hiram Pearson and F. Lawson were, on the 21st of September, 1853, accused before the recorder of assault with deadly weapons while attempting to take possession of a water lot. Pearson was discharged and Lawson held for trial. The contending parties, it appears, had fought in boats, one of which, an old hulk called the *Bethel*, Lawson scuttled, intending to sink it on the lot and so maintain possession. Shots were freely fired on both sides, and attempts made to throw each other overboard; but no lives were lost.

One Pinkham, living in April 1864 at the Potrero, thought to enrich his posterity by driving piles so as to enclose a number of overflowed lots in front of the glass-works. Others caught the infection; lines of piles were driven, and lots enclosed at intervals, from Potrero point half way to Steamboat point, and again nearly to the mouth of Mission creek. The desire

for free suburban homesteads, and water-lots without pay, was always prevalent among the land-hungry of San Francisco, and recent grants made by the legislature seemed to have fired afresh their insane desires. The water-lots thus seized belonged to the state, and many piles were driven along the city front for which the greedy grabbers never received visible compensation.

There was a difficulty in Marin county in August 1854, which threatened to assume a serious aspect. Certain mission lands near San Rafael, which had been set apart by the Mexican authorities for religious purposes, were seized and staked off by an organized band of squatters, who determined to hold the property *vie et armis*. One wing of the mission buildings at San Rafael was, in 1849, used as a church, and the other as court and jury rooms; other apartments were occupied by Mexican families with their dogs, hogs, and cattle. By order of the alcalde, William Reynolds, the city was surveyed in 1850 and laid off in town lots with a Mexican title. The price of lots was fixed at thirty dollars each, and a day appointed by the alcalde for the sale, the first applicant to receive the first choice. A great rush was made for lots by those who had failed to make their fortunes in San Francisco sand-hills; but the town, developing more slowly than was anticipated, many of them were allowed to fall into the hands of the tax-gatherer. The land in dispute bordered upon the town, and was part of the old mission orchard and vineyard, which had been neglected by the church and by its rightful owners for many years, and had at length fallen a prey to preëmptors. On the 7th of August the church party, to the number of about twenty-five, appeared against the squatters with sticks and staves, and drove them from their shores.

So habituated had the people of California become to trusting only to themselves for the accomplishment of their purpose, that mob law became the too frequent

arbiter of important civil cases, especially in the settlement of squatter disputes, and in swindles affecting the general public. Whatever was wrongfully accomplished by law, the people who had learned to look upon themselves as above the law, deemed it incumbent upon them to make right, and this they did in the surest and most direct manner.

The town of Oakland was thrown into a state of great excitement on the 27th of August, 1853, arising from the claims of Carpentier, Moore, and others to the long line of water property along the front. A meeting was held and resolutions passed repudiating these claims, and determining to divide such property equitably among the people. This, with the assistance of club and pistol, they proceeded to do. Two hundred and fifty citizens signed a pledge to stand by each other at all hazards. Then at it they went. Business was suspended; fighting was free to all; and the result was that Carpentier's men were beaten and ignominiously driven from the field.

Nowhere did the energy and audacity of the squatters assume greater proportions than on the lands of John A. Sutter, in the Sacramento valley. Sutter's claim was beyond all question valid. He was the pioneer in this region. He had received from the Mexican authorities a genuine grant, in due time confirmed by the United States government. He built a fort, cultivated the soil, and raised flocks and herds. If there were anywhere rights and conditions entitled to respect by immigrants, they were here present.

The 14th of August, 1850, witnessed a serious affray between the citizens and an organized band of squatters composed of emigrants who had taken up claims on unoccupied lands in and adjoining Sacramento. It appears that a case had lately been tried and decided against the squatters, the judge denying an appeal. This decision, together with what they deemed an illegal attempt on the part of an inferior court to make it final, so exasperated the squatters

that they held a mass meeting, and declared the state government unlawful and the authorities not to be obeyed. Two of their number were arrested, charged with rebellion, and lodged in the prison brig. On the day above mentioned forty armed men, under a mounted leader, marched through the streets down to the prison brig for the purpose of releasing the prisoners, and also to recover certain lumber of which one of their number had been dispossessed.

Arrived at the levee they found close at their heels a large crowd hooting at them, and making warlike demonstrations. The mayor, sheriff, and other officials were on the spot. Closely pressed by the populace, the squatters wheeled and fired. The mayor, assessor, and a dozen others were struck, several mortally. The fire was returned by the sheriff and his supporters, and continued for about an hour. The leader of the squatters was killed and the band finally dispersed. Thus far five or six only were dead. Next day the sheriff with about twenty men set out in the direction of the fort for the purpose of arresting such squatters as they could find. Stopping at a saloon to drink, the sheriff's party was fired upon by squatters concealed in an adjoining room, and a general melée ensued, in which three, including the sheriff, were killed, several wounded, and four squatters taken prisoners. On receipt of the news, the governor, then at San José, ordered a brigade of militia to proceed to Sacramento and assist in quelling the riot. This uprising of the squatters was condemned on all sides; a torrent of public indignation burst upon them from all parts of the state. For taking up arms against the constituted authorities, there appeared no justification, no palliation. California was not yet a state; the titles to public lands and Mexican grants were ill understood, but a resort to arms was not the way to settle them.

Such, briefly, was the great Sacramento squatter riot of 1850. The squatter party was composed

chiefly of immigrants from the western states, where Spanish grants were unknown. Schooled in the doctrine that all unoccupied American soil is free, they knew and cared to know nothing of the land laws other than the laws of preëmption; and to be driven from their lots by speculators claiming under the Sutter title was unbearable tyranny.

The trouble had long been brewing. Much feeling prevailed during the winter of 1849–50, and the squatter element then lacked only a leader openly to resist. Such a spirit at length appeared under the name of Dr Robinson, who was seconded by one Mahoney. One of the squatters had been ejected by the authorities, and two arrested as before mentioned. Meanwhile the squatters had been collecting arms and ammunition with which to oppose the execution of the law. Robinson was arrested, passed the form of trial, and was released. Not long after he was elected to the legislature from Sacramento county, an act on the part of the people significant of their sympathy.

An organized band of squatters, some eighty in number, who had taken up claims on an island in Feather river, known as the Jimeno grant, told the deputy United States marshal, who in May, 1853, was attempting to serve certain summons, that they had contributed $3,000, with which to defend the suit, that they were now carrying it to the supreme court, and if they lost it there they should then fight. They told the officer, moreover, that if he attempted to serve his summons they would kill him. The marshal retired and took the boat for San Francisco. Stopping at a wood-yard, he learned that the proprietor, Holiday, was one of the persons for whom he had a summons. The marshal delivered the writ and began to read the summons, when he was interrupted with, "Waal, I suppose I may as well kill you now as any time," at the same time receiving on his arm, which he had thrown up to protect his head, a blow

which, had it not missed its aim, would have killed him. Being unarmed, and unable to procure a weapon on board, the officer was obliged to return without having accomplished his purpose.

In May 1853, one of the frequent disputes arose as to the possession of a certain piece of land at Santa Bárbara. Jack Powers had settled upon a tract about two miles from town, which Nicholas Den claimed to have leased for a number of years from the government. The case was decided in Den's favor in the district court, and afterward in the supreme court. Nevertheless, Powers refused to give up possession, claiming that as it was government property, it was free to all American citizens. Sheriff Twist determined to eject him by force. Powers then collected fifteen of his friends, and formed a sort of barricade on the rancho, by felling trees, piling up logs, and arranging wagons for the purpose. They had liquors and food provided for a number of days, and several pieces of music to enliven the time. Well armed with revolvers, rifles, and shot-guns they were prepared to resist the officers. Three of Powers' adherents, on the way to his place, encountered the sheriff and others, who were trying to take out the spikes that had been put in the cannon the previous night. Words ensued as to their intended use of the cannon, which resulted in a serious melee with several wounded and some killed on both sides.

Not less than 200 men, squatters on the Fitch, the Peña, and the Berreyesa grants, situated about Healdsburg on Russian river, banded for mutual protection in movements defensive and aggressive. Sonoma and Santa Rosa valleys in common with almost all parts of the state covered with Mexican grants, have been the scenes of repeated assassinations and outbreaks, of which I give n instance. In April 1858 fifty armed men attacked the government surveyor, Tracy, then acting under instructions issued by Mandeville, surveyor general, seized and tore in

pieces his papers, and informed him if he valued his life he would drop that business and go home, which Tracy was very glad to be able to do. The band then rode to the house of Peña, where Lugo, one of the owners of a large tract, was stopping and forced him under threats of hanging to sign an article of release of title to certain lands, and also to immediately and forever retire from those parts. Next the mob proceeded to Healdsburg, distant from the former frolic about six miles, in search of Dr Frisbie, a landholder whom they proposed to force into the relinquishment of his title to a portion of his lands. The citizens rallied to the support of law and government, and though the squatters threatened to burn the town, held their ground, and the free-land men retired.

At Suisun in December 1862 certain squatters against whom John B. Frisbie had obtained judgment, and a writ of restitution, refused to vacate when ordered to do so by the sheriff; whereupon that officer summoned to his aid a posse, and marched against them when they yielded.

The original proprietors of Boisé city, Idaho, bought the town site from ranchmen who had settled there, surveying it and laying it out in town lots; to every one who wished to build a dwelling they gave a piece of ground. Business lots they sold. All went well until in the autumn of 1864, a judge and two lawyers dropped upon the place and then began lot-jumping and litigation.

In some way the sentiment got abroad that the proprietor's title was valueless, that the ground on which the city was built was public domain, and that any one might settle on any unoccupied spot. Then the two lawyers revelled in fat. Those who had taken possession of their neighbor's property, hoping to get something for nothing, after submitting to expensive litigations were obliged to step down from their position and leave the land to its original occupants and their successors.

CHAPTER XVIII.

PACIFIC COAST PRISONS.

Such prisons are beyond all liberty.

—*Suckling.*

LOVELY San Quentin! Saint thief! Thief and no saint. Saint and the dwelling place of thieves and other malefactors. The name and the naming were eccentric and mongrel, though, as it turned out, suitable enough, even considering that to Spanish "San" was given a foreign "Quentin."

To explain. Round that bright corner of San Francisco bay, where under the shadow of Tamalpais nestle the coves of Corte de Madera and San Rafael, with Punta de Quintin, as the point was called in Spanish times, between them, there once roamed with his people a native chieftain, who, on allowing himself to be sprinkled on the head, and made a son of the church, as well as an humble vassal of the Spanish crown, was honored by the padre with the name of Quintin, after one of the saints. Now, this Quintin, like others we have known possessing Christianity, was very far from a Christian's ideal in his raids and other immoral practises, inasmuch as stealing and killing formed parts of his programmes.

It has been claimed that the point was called San Quintin in remembrance of a victory won by the Spaniards over the French in 1547, in front of the city of San Quintin, the ancient Augusta Veromandorum; but there is no evidence of that being a fact; nor for placing San before Quintin. It was the aboriginal non-sanctus after whom it was named.

Weird and hobgoblin were the uses and purposes, as well as the name and naming of the enchanted spot. From the ocean the rough breezes come tempered by warm airs rising from sunny meadows, while the fog-banks, filtered by the wooded slopes, wrap the thirsty earth in gentle moisture. Glorious indeed the view toward the east; the pliant sparkling water, the smooth billowy hills, and the shoaled and isleted shore winding between; while beyond, old Diablo, winks and blinks and nods as in uncouth wooing of the gorgeous wealth of beauty at its feet.

A rare retreat, truly, for those whose lives are devoted to the laborious occupation of unjustly appropriating to their own use the property of others. Alas! that man should be obliged to shackle his fellow-man; that society after feeding and clothing from boyhood scoundrels who never in all their lives did one blow of honest or beneficial work, after pronouncing a formal condemnation should be obliged to lodge and feed and clothe them, in lots of hundreds and thousands for years and often for the remainder of their lives. Yet they would say how hard the devil drives his servants!

Before San Quentin was, there were villains; but never have they been so well housed on these Pacific shores; that is to say, those who have been publicly housed at all. Time was when this charmed shore of California played its rôle as a sort of penal settlement for a society rich in rascality. Mexico sent hither her criminals with the double intent, as her authorities had the assurance to say, of improving their morals and increasing the population of California; and to the petition for a lessening of the evil, to send only useful convicts, since California had no jails, no heed was paid for several years. Then, and before, and since, were presidios for prisons, and missionary buildings for guard-houses. In those days class, and caste, and character entered largely into prison etiquette. Some convicts enjoyed the liberty of a

free citizen, living on a rancho or in the pueblo; others were restricted to certain districts, or confined within boundaries; while yet others were doomed to shackles and hard labor under supervision of the garrison. In those days it was small pain to be a great villain, though woeful to sin lightly.

Among the gold hunters, the ships that brought them out were sometimes turned into jails and penitentiaries under the name of prison brigs. San Francisco boasted one of these, as likewise did Sacramento. The *Euphemia*, as the prison brig of San Francisco was called, was purchased about the first of August, 1849, with the first money appropriated by the town council, elected by order of General Riley. This was the first regularly appointed place of confinement where rogues and convicts were kept in custody.

When the old *Euphemia* proved inadequate to the rapidly increasing demand for prison facilities, other hulks were added to the prison service; and thus matters stood when in April, 1851, an act was passed by the legislature appointing a board of inspectors and giving James M. Estill, with whom was associated M. G. Vallejo, a contract for the control of the state prison, prisoners, and hulks for a term of ten years.

The time was one of dear labor and eccentric enterprise; and it was thought to be a grand thing if the institution could be made self-supporting, and the prisoners be obliged to work for their bread. In this way the state would be relieved from the expense of guarding and maintaining its felons. But the government soon saw that it had committed a most egregious error. The abuses were manifold and flagrant. Public weal was soon dropped out of the management, and immediate pecuniary profit became the dominant purpose. Such of the prisoners as it was found profitable to keep at work, were kept at hard labor from daylight till dark, Sundays and other days, chopping wood, making brick, or performing contracts in which such kind of servitude was found

remunerative. The rest were permitted to escape. On one occasion, while a prison brig was lying at Angel island, the men at work and their guardians lolling in the cabin, the convicts quietly turned the key on them, and escaping to the adjacent mainland betook themselves to the woods.

It soon became apparent that the hulk system failed to meet the requirements, and that ground must be selected and substantial buildings erected. The year following, namely, in April 1852, a bill passed the legislature providing for the erection of a state prison on the site purchased at Point Quintin.

Even then the stone building which soon arose failed to accommodate all, nor would the interests of the contractors allow prisoners to be confined to one locality. Hulks were still used at different points. Men were likewise sent in squads under feeble guards to farms and woods; many convicts were even despatched unguarded to distant places. Great partiality was shown, thereby facilitating the escape of many a scoundrel.

Still matters were far from prosperous; and so clamorous became the public, that in 1855 the legislature revoked the contract with Estill, and declared his lease forfeited. The state then assumed the management. A board of directors was appointed, and a strong wall twenty feet high, was thrown round the prison premises. In 1856, politics being more powerful than public weal, and as a reward for his former unfaithfulness, a fresh contract was made with the same Estill, with new restrictive conditions. He was to safely keep and maintain the state prisoners for the term of five years at a compensation of $10,000 a year. So favorable to the lessee was this contract that Estill was enabled almost immediately to assign it to one McCauley at half the compensation allowed him.

The principle was now a grinding one; prison management meant simply money. Abuses were ranker

than ever; so much so that in 1858 government again declared the contract annulled, and took forcible possession of the premises. The lieutenant-governor was made ex-officio warden, with a full staff, and the keys delivered to him. The assignee brought suit for damages which was sustained by the supreme court. A compromise was agreed upon, but the state failed to meet its obligation. At last, in 1860, to get rid of him, a bonus was paid the assignee, since which time, if we except several extensive escapes, state-prison management has steadily improved.

Prison discipline, penitentiary science, uniting with the system of reformatory efforts, are of late beginning. The castle *donjons* of the feudal barons had improved but little when civilization had largely advanced in other directions. The eighteenth century had well-nigh gone before Howard made his famous exposé of the wretched condition of prisons in England and Wales, and the great Millbank penitentiary, modeled by Jeremy Bentham, had not been built more than thirty years when the grounds at Quintin Point were laid out; so that California, although the youngest of the great societies, is not so far behind the rest of the world in this regard as might be imagined.

In almost all modern prisons industrial labor has taken the place of purely penal labor, such as the crank, shot-drill, and treadmill. All well-managed prisons are now self-supporting, or more than self-supporting Each prisoner, immediately he is incarcerated, whether in a state penitentiary or a county prison, should be put to work. Jails should not be conducted upon the free-boarding-house principle, but convicts should be made to earn their living, or as nearly so as possible. There are things useful that even children can do; and if the food of the prisoner depended somewhat upon his earnings, it might tend to sharpen his wits over useful work.

There are different systems of prison management in the United States. In all state-prisons the contract system prevails, with some half dozen exceptions; some are under state management, and some mixed. Several states show earnings amounting to more than expenses. In North Carolina the average cost of maintaining prisoners per capita in 1875 was about $90, while in Oregon it was over $300, and in Nevada nearly $400.

In the average number of prisoners San Quentin with 900 or thereabouts, stands sixth. Sing Sing, in New York with 1300 being first, Auburn, New York, and Joliet, Illinois, with a few less, being second and third. Nevada can scarcely boast of 100, while the average of Oregon is but little more.

The prison managers of 1877 complain that Chinese cheap labor is ruining the penitentiary! The law permits convicts to be hired out at the rate of fifty cents a day. At twenty-five cents a day contractors could employ them, but not at more than this, as otherwise Chinese labor is preferable. There is a state prison at Folsom. More facilities are required either at San Quentin, Folsom, or elsewhere.

The prison tract at San Quentin comprises 130 acres. The situation is extremely favorable; the soil first recommended it, being good clay for bricks. The prison itself covers a square of six acres, enclosed by a wall now twenty-five feet high. Outside are a number of buildings for offices, stables, and outhouses, with a few garden patches. The warden's villa lies on an elevation near by. Inside the wall are three cell buildings of several stories, parallel to one another, and twenty feet apart. Two are of brick 124 by 23 feet, and erected in 1864 at a cost of $60,000 each. There was $200,000 appropriated by the legislature of 1876 for new buildings, and a four-story brick structure 50 by 400 feet was the result.

With the exception of the lower story of the store building, which is divided into seven large rooms,

with rows of bunks, the rest of the floors are partitioned into double lines of cells, chiefly nine feet long by four wide, and eight high, opening on a central passage. The cells contain one to two bunks, a straw tick, two pairs of blankets and a bucket. Many are, besides, neatly furnished with tables, stools, toilet articles, and ornaments made or bought by the inmate.

The block also contains workshops of several stories, one costing $130,000, and a number of offices; the whole having rather a patchy appearance owing to the irregular additions made at various times. In the centre is an open space cultivated as a flower garden, with a hewn stone fountain—an oasis in the desert.

A number of guards are on the watch against revolt; sentinels patrol upon the walls; and the frowning muzzles of primed guns appear in different directions. Upon the two parallel hills which enclose the narrow tract there are, besides, several stations or guard houses with grape-charged cannon. There are also situated the prison reservoirs, one of 250,000 gallons. A large brick yard borders on the bay.

Convicts are brought hither by country sheriffs; and to judge by the mileage allowed, the task must be rather attractive to the more distant officials. The new arrival is conducted to the turnkey's office to be measured, and to undergo a physical and moral examination for fitness, for place, and identification in case of escape; whereupon he receives the striped uniform, and his hair is clipped very short.

A second and less agreeable initiation awaits him at the hands of the old residents, consisting of blanket-tossing, rail-riding, and other persecutions and indignities, regulated according to his temperament. Those who take the fun in good humor are soon released and become favorites. But woe to him who shows obstinacy or cowardice; his sufferings are aggravated and prolonged in proportion; complaints will not save him.

The life of prisoners is not so severe as might be expected. The bell rouses them at five to seven A. M., according to the season, and ten minutes later the cells are opened by the turnkey, permitting the men to roam in the yard for half an hour. Fifteen minutes are allowed for breakfast, and then on to workshops, brickyard, or offices.

The signal for dinner is given at half past 11 o'clock. Those who possess tea or coffee are given facilities to prepare the beverage, and at a sign the men fall into line for the dining-room, where two rows of tables groan under the abundant rations of meat and bread, with soup ad libitum. The turnkey overlooks the hungry army from behind an elevated desk, and gives the order to be seated. All are now on the qui vive for the next signal, to begin eating, which is obeyed with a will. Silence prevails, broken only by the occasional clatter of spoons, with which the more particular have provided themselves, for the dangerous knives and forks have been replaced by the more natural implements of the paradise era. A last rap closes the banquet, and the convicts march out with abated eagerness, removing the glossy evidence of the tooth and nail combat by a complacent wrist movement.

The supper call is at half-past four, after which all are locked in. Those who have lamps or candles may read, play, or work, till nine, when lights are extinguished, except on the lower story, where they burn all night to reveal any attempts at boring the wall.

The work was largely in the hands of contractors, manufacturers of furniture, saddles, shoes, clothing, cigars, barrels, bricks, etc., each of whom employed from 25 to 200 men. The prison provides all the needed shops, power, and guard. The custom of sending gangs to work outside the prison has been much restricted.

Task work is most common, and on completing his share the convict may while away the time, or, by

extra work, earn money wherewith to purchase better food, and articles of luxury, even daily papers. Many save considerable sums.

The upper floor of one of the buildings forms the chapel, where sabbath service is conducted by clergymen volunteers to audiences of 300 to 500 men, who eagerly welcome any change in the monotony of their routine. Among the attractions are a fair choir, and an organ purchased by contributions from the prisoners.

After service a few of the talented convicts instruct some 250 companions in rudimentary branches, an educational process which is fostered by a library of several thousand well-thumbed volumes, and by the fees of visitors. Literary entertainments are arranged among them, and, at times, lectures are delivered by visitors.

This is not a very repulsive picture of a prison, somewhat different from the Labyrinth of Cnosus with its monster and starvation, or the dreary eryastula, and the Jullianum with its deadly fumes, or the loathsome dungeons of the middle ages. Yet the ancients regarded prisons merely as places of detention, and, although Plato advocated penal and penitentiary establishments, the second phase developed very slowly, and was accepted in France only after the revolution. The more recent knowledge of the necessity to counteract the tending of prisons to become schools for crime, and the introduction of reformatory systems, must be traced to the noble efforts of Howard, and the humane crusades of Fry, while the idea of making prisons self-supporting finds its origin in the political economy problems of our era.

California has not yet had time or means to develop a very perfect system. The one great evil is promiscuous intercourse, whereby the young and less corrupt are exposed to the contagious influence of the hardened criminal, and the want of an efficient check on gambling and other vices, as may be learned from the reports of the committees.

Good conduct is promoted by a credit of five days in the month to every prisoner, with an increase of one day every two years, till the allowance reaches ten days. This is deducted from his term of servitude. Pardons are also held out besides other rewards.

Punishment has become more humane, and consists mainly in reducing privileges and good-conduct time. Desperate characters wear chain and ball, and are prohibited from holding intercourse. The lash which was once applied for all offences, and periodically to captured fugitives, has almost fallen into disuse, and so has the dark dungeon, although both remain to inspire a salutary terror. Flogging was also administered with a long paddle-formed board, with perforations, through which the flesh was forced by every blow. Even more feared than this was the torture by water, which consisted of a jet played upon the mouth and nose of the victim. So severe was this punishment that if the same jet were let fall upon the stomach it would cause death.

The numerous attempts at escape form interesting episodes of prison history. The thought of liberty here swallows all other thought, and life itself appears the inferior gift of heaven, as Dryden puts it. The great leisure enjoyed allows the mind ample time to fondle the alluring hope; to dwell upon the many records of fellow-prisoners who have with varying success scaled the walls, filed bars, undermined cells, assumed disguises, or otherwise hoodwinked the guard; and to evolve plans worthy of a Dædalus, attended by equally daring exploits.

The most famous stampede was that of July 22, 1862, when a general outbreak took place, owing immediately, it was claimed, to the starvation régime of Commissary Jones.

Nothing occurs to arouse suspicion although the plot must be widely known. The dinner hour has passed

and a gang of over 100 convicts is marching through the gate in the rear of the prison, when suddenly some fifteen separate from the rest and rush for the front gate, securing the guard. Lieutenant-governor Chellis notices the movement from his office, and hastens for safety to the adjoining bedroom, but the door is broken in, and he is brought forth to give orders to the gate-keeper to surrender the keys. The order is given but the keeper bravely refuses to comply, asserting that they are not in his possession, but the convicts are not to be deceived; a struggle ensues; the keys are snatched from him and the gates thrown open amidst shouts of liberty. The cry is echoed by the crowd, amidst a general rush to join the leaders regardless of the volleys from the guards. The men from the workshops bring their axes, files, and other tools, while others storm the armory, overlooking a case of sabres in their hurry, and obtaining only one loaded revolver, besides uncharged pistols and some other arms.

Two to three hundred convicts have now passed the gate bearing the governor of the prison with them, but of these fifty are quickly secured by the captain of the guard, while the rest proceed in a body along the wall to station 5 on the hill. The guard stands ready to sweep their column with grape-shot; but the convicts are prepared; the captured governor is placed at the front to serve as shield, with a loaded pistol at his head to remind him of the function. "For God's sake don't shoot!" exclaims the victim with uplifted hands. There is no time for hesitation; the guard turns the gun, discharges it into the water, and spikes it. This is more than they had expected, for the gun had been counted upon to silence the next one upon the adjoining hill. In their exasperation they reproduce the Tarpeian tragedy, and gun with carriage follow the guard in his whirling descent.

Their path now lies across the brickyard to station

10. Several volleys flash against them from the guns, but pass over their heads, so directed, no doubt, out of regard for the governor. The guard in pursuit are almost equally discriminating.

In this way the main body advances along the Corte de Madera road, toward Mount Tamalpais, plundering the houses in their way of everything portable, although not without expressing regrets at the unavoidable necessity. Indeed, they are polite enough to leave the governor his watch, remarking that it would be too mean to commit detailed robbery after stealing his whole person. Their patience, however, is sorely tried by his corpulency, which is becoming an obstacle to progress, despite the frequent reminders applied to his body in the form of knife-prods. A wild, bare-backed pony is produced to accelerate his motion, but either the weight or earnest entreaties of the governor save him from the dreaded ride.

At four P. M. a slough is reached, and the panting hostage is compelled with the rest to wade chin-deep in the miry water. On gaining the high fence beyond, his slimy corpulency is found too heavy to be hoisted over, and is released. This act is suicidal, for the guards are no longer restrained by his presence, and resume firing with telling effect.

By this time the news of the outbreak has spread far and wide, and aware of the danger to life and property, every able-bodied man in the San Rafael district who can lay his hands upon a weapon and a horse musters for the chase. About 200 well-equipped men close in upon the gang. Being comparatively unarmed the convicts find resistance useless, and the affair becomes a game of hide and seek. By twilight nearly the whole number is secured, and at eight P. M. the prison gate closes behind them.

Meanwhile a side-play has been performed on the bay. A party of a dozen fugitives or so, whose diluted Viking blood still tingles to the harp of Necken, have boarded the prison sloop *Pike County*. The hawsers

are cut amid a whiz of bullets; the distance from the wharf is rapidly increasing, and so are their aspirations; but, alas! one thing has been left out of account; the non-consulted mistletoe proves in this instance to be a treacherous mud-bank, and hope, their Baldur, falls.

The first roll-call showed over thirty missing but this number was reduced to less than a dozen by subsequent captures. Ten were killed and thirty wounded.

On receiving the first exaggerated accounts, the chief of police at San Francisco obtained full powers from the governor. He engaged a steamer, and arrived on the spot at five o'clock the following morning, with a body of armed citizens, but nothing remained to be done. The Sacramento Rangers were also turned out for the pursuit. A reward of fifty dollars was offered for each fugitive.

On Saturday April 2, 1864, a determined attempt at flight was made by a gang composed chiefly of Mexicans, under the leadership of Tom King. One party, engaged in unloading, broke from the work during the afternoon, and began to scale the wall. The guard fired, but twenty-three succeeded in gaining the brick-yard, where another party joined them. The fugitives armed themselves with stones and bricks, and attacked station 4, evidently with a view to capture the gun and turn it to account. The four guards at this point found that the guns would not work, spiked it, and rushed for the guard-house; but only two reached it, for the next moment the convicts had possession of the place, and sent the other two whirling over the embankment. The advantage was momentary only; the gun on the other side opened fire, and the guard came charging on horse and foot. In twenty minutes the captors of the battery surrendered and were conducted to their cells, with a loss of five killed and a number of wounded.

Many ingenious individual attempts have been

made at various times to escape, notable among them being that of E. A. Strickland from San Mateo, who after three months devoted labor upon his lock, and having in readiness a scaling-hook and rope, stepped from his cell only to encounter the six-shooter of the officer who for several days had been watching him. Ten days in the dungeon and a severe whipping was the penalty for this attempt.

The prison commission of Nevada took possession of the six-cell jail with twenty acres of land, and a fine inexhaustible quarry near Carson, purchased for $80,000 on the 1st of March, 1864. The same year another building with thirty-two cells was constructed by the convicts at an outlay of only $4,000 besides their labor; and several other structures rose during the following years.

Still more exciting than the escapes at San Quentin was that which took place at the Nevada state prison, Carson, on Sunday September 17, 1871. A well arranged plan had been formed with the aid, it was rumored, of several outside and powerful coadjutors.

The projector was a young horse-thief named Clifford, who, in conjunction with a numerous staff, had for some time been gathering information of routine and buildings to guide the operations, and had collected all available scraps of iron and other material for tools and slung-shot.

It was the custom to allow prisoners the use of the western-cell room on Sundays, free from direct supervision, and of this they had availed themselves on two preceding Sabbaths to cut through the ceiling into the loft, and thence through the wall into the adjoining building on the east. A signal had been agreed upon, and shortly before six o'clock, when the cells were to be locked for the night, the plotters had nearly all crept through the opening, and had taken up positions in the adjoining loft, sixty feet distant, over the room of the deputy warden, while a few determined fellows waited below for the captain of the

guard. Soon the jingle of keys called to action; and as the captain and his attendant entered they were stunned, one with a slungshot, the other with a bottle. Several more pounced in to deal the coup de grâce, but merciful sentiments prevailing, they were thrown into a cell and locked up. The next moment the convicts were climbing the cell tiers, for the hole, to join their companions who had already broken through the ceiling in the east building and were tumbling down upon the deputy warden. This startled functionary was awed into submission, but soon made his escape to securer quarters. The noise had caused no less consternation on the lower story, where Lieutenant-governor Denver was entertaining a party of ladies at dinner. Seizing a pistol he rushed out to meet the crowd as it came pouring down the stairs, led by Clifford. The first shot almost crippled the leader, but the mass pressed onward, overpowering him, and making him the target of his own pistol. At this critical moment, Deadman, a life convict, who acted as servant to the officers, and had followed his master faithfully, seized a chair, and whirling it with savage fury stretched several convicts on the floor and pitched one over the balustrade. This act diverted attention and saved the life of the wounded governor; but his heroic champion had also to succumb to numbers, and fell senseless after demolishing another chair upon the assailants. Meanwhile the bleeding Clifford led on to the armory, wrenching open the lock with suspicious ease, and soon the firing announced that arms had been secured.

Believing the prisoners safe under lock and key, the guard had abandoned itself to the leisure of the Sabbath, leaving no sentinel on the wall. As the prisoners entered the guard-house, there were none to confront them except the guard Isaacs, who fearlessly took his stand in the yard with a six-shooter, firing in through the windows and receiving the return fire without flinching. His right knee being shattered by

a bullet, he coolly leant over upon the left leg, and continued to fire until a shot in the hip brought him down, fatally wounded. Struck with admiration at his courage, the prisoners refrained from doing him further harm, and merely secured his pistol. The resolute stand of the guard had caused many irresolute convicts to return to the shelter of their cells, and soon a reënforcement of three guards and two citizens came up. Two of the guards were speedily placed hors de combat, while a citizen, whose rashness led him too near the windows of the guard-house, received a bullet in the head from which he did not recover.

During the confusion Denver's little daughter found her way into the yard, and ran heedlessly into the range of the fire, as if to shield the brave Isaacs. A French prisoner, employed in the guard-room, rushed forward on seeing the danger of the little one, and bore her off, leaving the terrified mother in an agony of doubt whether her child had not escaped one danger only to encounter another. A young woman had also noticed the child, and impelled by feminine devotion, she had followed, only to flutter in bewilderment over the blood-stained ground before the windows with the belching guns. Once more the gallantry of La Grande Nation was displayed as the Frenchman dashed to the rescue. Of the reënforcement one citizen alone remained unscathed.

A man with a buggy who happened to be at the prison when the firing began, hurried to town to give the alarm; but before the sheriff and his dozen followers arrived, twenty-nine of the most desperate convicts had escaped, some badly wounded, leaving behind forty-three comrades who had been restrained by force and fear, or whose term was nearly expired. A large force of citizens also appeared equipped from the state armory, followed by two militia companies from Virginia city, who were already in pursuit in different directions before midnight.

Guided by a big negro the majority of the fugitives sought the mountain range to the east, but shortly after, small parties were reported at various points, demanding food and clothes, or obliging some blacksmith to remove their irons. Some appeared at an Indian camp, where two assumed the dress of the warriors, and a third donned the habiliments of a female aboriginal. The commiseration of a ranchero was excited by meeting a man devoid of all clothing save his drawers, shivering before the piercing wind which swept the valley during the night. A party of six came upon a German charcoal burner, and tying him to a tree they made off with his four horses. In this position he was found six hours later by pursuing citizens, muttering vengeance loud and deep.

Despite the pressure of hunger and weakness from long confinement the convicts baffled their pursuers for a long time, while reports of robberies and murders poured in from all directions. After a reprehensible delay of eight days a reward was offered of $200 or $300 per head. This proved an incentive, and several captures were made, although not without desperate encounters wherein three citizens lost their lives. In one place three ranchmen followed four armed convicts, and watching their opportunity they covered them with rifles. The prisoners offered the tempting bribe of $2,500, to be released, assuring the captors that a secret message to a certain person would be responded to by a masked man, who should pay the money. Although tempted to secure this accomplice, and perhaps the money, the captors preferred the surer reward of $900. The story was commented upon as indicating powerful coadjutors, and the inaction of the deputy warden during the mêlee was severely criticised.

At 3 o'clock P. M. the 28th of October, 1877, another break occurred in the Nevada state prison which narrowly escaped being a serious affair. A deputy warden, Matthewson, on entering the shoe-

shop was seized by six convicts and borne to the ground.

"Liberty or death," they cried. "You die, but we will be free."

"You had better be quiet," said Matthewson, "You will be shot."

Meanwhile Gonard, a captain of the guard, had been seized by three prisoners, who told him if he would go quietly with them he should not be hurt. Gonard likewise expostulated, telling them such action would bring upon them certain death. The prison-breakers all belonged to the shoe-shop, and were armed with knives, by one of which the keeper was cut in the groin.

Both parties now endeavored to reach the gate; but the alarm was given and the guard stood firm. The ring-leaders were fired upon, and several of them fell, one Johnson fatally wounded. Mathena, who was badly injured, when captured cried, "I am lost! My last chance is gone!" and endeavored to kill himself.

In Oregon the first convicts were hired out to responsible persons for support and safe-keeping; but it soon became apparent that a penitentiary was needed, and during the legislative session of 1851 three commissioners were appointed to superintend the erection of a building. Nothing was done, however, before the meeting of the legislature of 1852–3, when another trio was appointed which set to work with a will, and in 1856 an $85,000 building stood ready.

The leasing system was resumed between 1859 and 1862 after which the governor became ex-officio superintendent. Since 1864 every governor has appointed a superintendent. In 1866 the state prison was fixed at Salem, the present site, and a wooden jail erected at a cost of $38,000. In 1870, $50,000 was granted for a more substantial brick edifice of two stories, with basement, and two wings each 160 feet in length. The wooden prison formed one of the

workshops, devoted to carpentry, tannery, worked with the aid of water power. In 1874, 150 acres of garden and farm land were already under cultivation, and this, together with the brick-making department, helped considerably to sustain the establishment, so much so, that the earnings of the two years 1873–4 amounted to $65,260 and $65,269, while the expenses were but $78,047; but the average number of prisoners for the two years was a little over 100 with not a single female.

The merit-book system worked well. When a prisoner had earned not less than four marks, and not over six, during the six months, he received a credit of one day for each mark. When such credit-marks were earned during the succeeding semesters, he received an additional day for each, until five days had been gained for each mark. This time was deducted from the sentence, while the allowance was lost by breaking rules or attempting to escape. At the expiration of his term he received fifty cents for each credit mark, less loss of tools, loss of material, and waste.

In 1861 the Oregon state penitentiary received the convicts from Washington at $3 75 a week, the lessees having liberty to work them at times. In 1871 the Washington convicts were kept at Steilacoom jail, pending the futile attempts to obtain an appropriation for a territorial penitentiary upon the twenty-seven acres donated on McNeill island opposite Steilacoom. By act of February 22d, 1873, congress made an appropriation, and in November a wing with forty-two cells was completed at a cost of $37,800. In 1866, the Boise county jail served as territorial prison for the eleven convicts of Idaho. Miners would not employ them, and no work could be procured wherewith to make them contribute to the cost of maintenance.

Deer Lodge City, as the pretty little village situated in the valley of that name is called, is the site of the Montana penitentiary. The Deer Lodge river

is the principal tributary, or rather, the upper part of the Clark fork of the Columbia, which name it takes some 2,000 miles northwest from its source, after having received as tributaries the Blackfoot, Bitterroot, and Flathead rivers, and numerous smaller streams.

The sum of $50,000 was appropriated by congress, in 1869, to build a prison at some place to be designated by the legislative assembly of Montana. Deer Lodge was the point chosen. Twelve acres of the public domain were marked off as the site, and the erection of a building was by law placed in charge of the United States marshal, William F. Wheeler, to whom I am indebted for these facts.

The building was completed and accepted in the summer of 1871, the appropriation barely covering the cost of the stone walls, roof, floor, and fourteen brick cells, six by eight feet in size, and grating for the lower windows only. The building was eighty by forty feet; its walls were two feet thick, and twenty-two feet high. A mansard roof afforded room for a third tier of cells. The building has since been completed and furnished. A high board fence was also constructed, enclosing a space 300 feet square for a prison yard. The marshal still retained control of the building, and on the 2d of July, 1871, opened it for the reception of territorial and United States convicts. Twelve criminals were at that time received.

Then, and subsequently, besides furniture and fixtures of every kind furnished, the United States paid all prison expenses, the salaries of officers, superintendent, guards, and physician, who were supplied with rooms and subsistence, the clothing and food of prisoners, fuel and lights, and the territory of Montana paid the general government one dollar a day for the keeping of each of its convicts.

Becoming impatient of governmental leading-strings the territory asked and obtained control from the 15th of May, 1873, to the 1st of August, 1874; by which

time, concluding they did not know how to keep a prison, the legislature begged their guardian at Washington to take back his pretty present, as they found it somewhat expensive. They had not guests enough to make it profitable.

At first the cost to the United States of each prisoner, per diem, was $1 86, while the territory paid $2 03. Back under the management of Marshal Wheeler again, and the 1st of August, 1874, for the first year the cost was $1 66 a day for each prisoner, for the second year $1 45, and for the third year $1 36.

"The greatest misfortune to the prisoners," writes Marshal Wheeler to me the 23d of October, 1877, "is that they have no regular employment. The town being so small it does not find it profitable to hire prison labor, because the prisoners cannot go outside of the prison-yard, and there is no manufacturing done in the town. All work on the improvements done about the prison has been done by the prisoners, and only the material paid for by the government. The prisoners make all their own clothes, cook, saw wood, and do all that is done for the prison and themselves. They have a great deal of spare time, and would be glad to be employed. We have but few books, but get gratis many newspapers and magazines, which are eagerly read by the prisoners. All of them have improved in reading, writing, and the common branches."

For cleanliness, order, and health, the Montana prison, though small, was a model. Religious services were held on such Sundays as preaching could be secured. No severer punishment was administered than locking an offender in his cell, feeding him on bread and water, or if very refractory placing him in irons. During the first six years, out of eighty-three prisoners there were four escapes, and one recapture, leaving in fact three.

The United States marshal was ex-officio superin-

tendent, with a salary of $1,200 a year, and having for his assistants four guards of his own appointing and removing, one of whom was called deputy superintendent, and acted as chief in the absence of the marshal. The salaries of the assistants were $1,000 a year each; the physician was paid by fees. All expenses were paid monthly on vouchers mailed to the attorney-general with an explanatory letter.

Alaska has had few prison facilities to speak of. Under the Russian régime, malefactors were confined at the forts. For a time after American occupation the only civil rule was the local municipal government of Sitka, and that was maintained without authority of law.

Under an act of congress in 1853, A. W. Babbitt, then secretary of the territory, was authorized to expend $20,000 in building a penitentiary for Utah. The building was placed in what was then known as the Big Field Survey, made under the provisional laws of the state of Deseret. The building was completed in 1854; Daniel Caru was elected warden, and Wilford Woodruff, Albert P. Rockwood, and Samuel R. Richards inspectors.

There was in prison an average of nine prisoners for some time, many coming and going, and but few serving out their term. These new villains cost the new territory about five thousand dollars a year. They could have been hanged immediately after conviction for less money. As the years went by, and the general government failing in its appropriations, the buildings became somewhat dilapidated, and there were several escapes.

Prior to July, 1875, Arizona had no prison. The judge in sentencing criminals named some county jail as their place of confinement, and of such prisoners the sheriffs of the respective counties had charge. No state convict up to this time had ever served his full term, but always escaped. In 1875 the legislature passed a law locating the prison at Yuma, and

appropriating $25,000 for building purposes. Convicts were kept in the Yuma jail up to July 1876, when they were removed to the prison then ready. There were then seven only, and during the next six months three more were added, making ten prisoners in the Arizona penitentiary on the 1st of January 1877.

CHAPTER XIX.

SOME INDIAN EPISODES.

Believe me, it is not necessary to a man's respectability that he should commit a murder. Many a man has passed through life most respectably, without attempting any species of homicide. A man came to me as the candidate for the place of my servant, just then vacant. He had the reputation of having dabbled a little in our art, some said, not without merit. What startled me, however, was, that he supposed this art to be part of the regular duties in my service. Now that was a thing I would not allow. So I said at once, 'if once a man indulges himself in murder, very soon he comes to think little of robbing'; and from robbing he comes next to drinking and Sabbath-breaking, and from that to incivility and procrastination. Once begin upon this downward path you never know where you are to stop. Many a man has dated his ruin from some murder or other that perhaps he thought little of at the time.

—*De Quincey.*

The natives of California were quick to learn the purchasing power of gold, but they did not thereby become greedy of it like their white brethren. When they wanted a sack of flour, or a few pounds of tobacco, or a bottle of brandy, some of them went to the river and washed out the gold necessary for their purchases. They were badly cheated at first, having no knowledge of the value white men put upon the metal, and they would as readily give a handful of it as a smaller quantity, if they had it, for whatever struck their fancy, something to eat, or to drink, a gaudy handkerchief, or a garment.

Time and intercourse with the more cunning race sharpened their wits a little. Then they adopted a method of their own in making purchases, In parties of five or ten they would first stroll through the store, carefully observe several articles, and settle in their own mind what they would buy, but saying nothing to the shop-keeper. Then they would retire to a little

distance, and seating themselves in a circle on the ground gravely discuss matters. One after another they then went to the store and made their purchases, returning afterward to their place in the circle. And their method of barter was frequently in this wise: Upon a leaf, or piece of paper, one would pour out perhaps a teaspoonful of gold-dust, and taking it to the shopkeeper, point to the article desired and ejaculate, ugh! which being interpreted meant, "I will give you this for that." If the shopkeeper took it, well; if he refused it the Indian would withdraw, increase the pile of dust, and return, repeating the operation until the amount was large enough to procure the article. Again, if it was biscuits they desired, of which a teaspoonful of dust in the days of '48, would buy but half a dozen, and they wanted several dozen, they would go and come, never at any one time bringing more than the first measure of dust, receiving six each time until they had secured all they required, or until their dust was gone.

The Mexican serape was quite becoming to the California root digger, and took his fancy wonderfully. In the absence of a serape, however, an American blanket would do, and for this, of a quality worth $4 or $5, they cheerfully paid Weber, the Coloma shopkeeper, $100. Before the end of 1848 thousands of savages, who up to that had lived on roots and acorns, and had paraded the forests as naked as Adam in the garden, were arrayed in gorgeous apparel costing $500, conspicuous in which was gaudy calico, red handkerchiefs, hat, shirt, pantaloons, and blanket or serape. For food, in place of acorns and mashed grasshoppers, they purchased almonds and raisins at $16 a pound; and for a bottle of whiskey they paid $16.

While the Reverend Mr Colton was playing miner on the Stanislaus, in the autumn of 1848, there came to his camp three wild men, attracted thither by a red belt which each of them wanted; so they first bought it and then gambled to see which should have

it. "They could speak only their native dialect," said Colton, "not a word of which I could understand. We had to make ourselves intelligible by signs. They wanted to purchase the belt, and each laid down a piece of gold, which were worth in the aggregate some $200. I took one of the pieces and gave the Indian to whom it belonged the belt. They made signs for a piece of coin. I offered them an eagle but it was not what they wanted; a Spanish mill dollar, but they wanted something smaller; a fifty-cent piece, and they signified it would do. Taking the coin they fastened it in the end of a stick so as to expose nearly the entire circle, and set it up about forty yards distant. Then they cast lots, by a bone which they threw into the air, for the order in which they should discharge their arrows. The one who had the first shot drew his long, sinewy bow and missed; the second, he missed; the third, and he missed, though the arrow of each flew so near the coin that it would have killed a deer at that distance. The second now shot first and grazed the coin; then the third, who broke his string and shot with the bow of the second, but missed. And now the first took his turn and struck the coin, whirling it off at a great distance. The other two gave him the belt which he tied around his head instead of a blanket, and away they started over the hills full of wild life and glee, leaving the coin as a thing of no importance in the bushes where it had been whirled."

To the discharged volunteer, Henry I. Simpson, who was there in August 1848, the natives at work near Mormon island appeared exceedingly singular, They "were dressed in strange fantastic guise; instead of the breech clout, which used to be their chief article of the toilet, gaudy calicoes, bright colored handkerchiefs, and strips of red cloth were showily exhibited about their persons. The first party with whom we came up, consisted of an old Indian with his squaw, and a youth about fifteen; they seemed to

be working on their own account, though most of the Indians work by the day for some employer, who furnishes them with food, and pays a regular per diem —sometimes as much as twenty dollars a day, but more generally at the rate of an ounce and a half of gold, the current rate of which is from ten to twelve dollars per ounce. When we came within sight of this party, they were in a short, deep ravine, very busily employed digging with small *machetes*, or Spanish knives; and as soon as they perceived us, they looked with some vexation of manner, as though they feared we were coming to interfere with their rights of discovery. I may here remark that a nice regard is almost always had for such rights. A party finding a good bed of gold, is seldom or never interfered with by others—at least the immediate vicinity of their operations is not trespassed upon. As an evidence of this feeling of natural justice, I learned that there was, at the mill of Captain Sutter, a fine bank of deposit which had not been touched, out of respect to the rights of the captain, who, of course, had no real ownership in the matter. The Indians soon became satisfied that we had no intention of trespassing, and began their work again, the old fellow jabbering away in bad Spanish in reply to our inquiries. He had about his person, in an uncouth-looking buckskin pouch, from six to eight ounces of gold, as I should judge, which he exhibited with some exultation. While we were engaged with the old man, the boy, who had progressed some few yards ahead in his work, uttered a sudden, ugh! which is the Indian expression of wonder. We all turned toward him, and saw him holding up, with an expression of irrepressible delight, a large lump of gold incrusted with earth and gravel, which seemed as big as a man's fist. The old fellow rushed toward him with quite an un-Indian-like eagerness, and taking it from his hand, commenced rapidly cleaning it of the dirt and gravel, which he accomplished with peculiar skill, and in less than a minute

exhibited to us a lump of apparently pure gold, which I should judge weighed at least six or seven ounces. We all examined it closely and with open admiration. Whether it was a craving of avarice that seized my heart, or because I admired the specimen as one of the finest I had seen, I will not pretend to determine; but, as it was, I felt a strong desire to possess the piece. I suppose my feelings were legible in my countenance, for the old Indian looked knowingly into my eyes, and then, after a few words in his own language with his squaw, he took the gold in his hand and proffered it to me, taking hold, at the same time, of a bright scarlet sash which I wore around my waist, thus evidently offering a trade. My sash was a fine one, and though worth by no means the intrinsic value of the gold, would perhaps have sold for much more in that region; for the Indians had been known to gratify their fancies at much more exorbitant prices: it was not this, however, that made me hesitate, but rather that it seemed like speculating upon the ignorance of the savage. 'Take it, Harry,' said Charley to me, 'I do not like to impose on the old fellow, Charley,' said I. 'Pooh, some less scrupulous person will sell him a few yards of printed calico for it; so it amounts to the same thing in the end.' Doubtless the Indian thought that our hesitation arose from a desire to enhance my demand for the sash, for he held a few minutes longer consultation with his squaw, and then commenced undoing his pouch, as if he intended to offer an additional price. I shook my head, however, to indicate that he should stop, and undoing the sash I gave it in exchange for the gold. Certainly vanity is a sweet morsel to the human heart; even the habitual stoicism of the savage yields to its magic influence. No sooner had the old man obtained possession of the coveted treasure, than both his wife and son gathered around him, forgetting entirely their work in extravagant admiration of the gaudy plaything they had purchased

so far beyond its value. We left them to their enjoyment, and proceeded on."

Says one who visited the Stanislaus in October 1848 of some natives he saw at work in that vicinity: "On the plain we fell in with the camp of Mr Murphy, who invited us into his tent, and set before us refreshments that would have graced a scene less wild than this. His tent is pitched in the midst of a small tribe of wild Indians who gather gold for him, and receive in return provisions and blankets. He knocks down two bullocks a day to furnish them with meat. Though never before within the wake of civilization, they respect his person and property. This, however, is to be ascribed in part to the fact that he has married the daughter of the chief—a young woman of many personal attractions, and full of that warm wild love which makes her the Haidee of the woods. She is the queen of the tribe, and walks among them with the air of one on whom authority sits as a native grace—a charm which all feel, and of which she seems the least conscious."

In a melancholy strain, which, coming from him approaches the grotesque, Sutter thus describes his experiences in mining with the natives: "Even the Indians had no more patience to work alone, in harvesting and threshing my large wheat crop out, as the white men had all left, and other Indians had been engaged by some white men to work for them, and they commenced to have some gold for which they were buying all kinds of articles at enormous prices in the stores; which when my Indians saw this, they wished very much to go to the mountains and dig gold. At last I consented, got a number of wagons ready, loaded them with provisions and goods of all kinds, employed a clerk, and left with about one hundred Indians, and about fifty Kanakas who had joined those I brought with me from the Islands. The first camp was about ten miles above Mormon Island, on the south fork of the American river. In

a few weeks we became crowded, and it would no more pay, as my people made too many acquaintances. I broke up the camp and started on the march further south, and located my next camp on Sutter creek, and thought that I should there be alone. The work was going on well for awhile, until three or four travelling grog-shops surrounded me, at from one and a half to two miles distance from the camp; then of course, the gold was taken to these places, for drinking, gambling, etc., and then the following day they were sick and unable to work, and became deeper and more indebted to me, and particularly the Kanakas. I found that it was high time to quit this kind of business, and lose no more time and money. I therefore broke up the camp and returned to the fort, where I disbanded nearly all the people who had worked for me in the mountains digging gold. This whole expedition proved to be a heavy loss to me."

One Sunday in August 1850, in the town of Sonora, a person called Cave in conversation with a gambler named Mason, pointing to an Indian who was lounging about the street, offered to lay a wager that he could induce the native to rob or kill him. Mason accepted the offer. Cave then drew the native aside, told him that Mason had a large sum of money hidden; told him where he should find it, and that if he would rob or kill Mason he should have half of it and no harm should befall him. Placing an unloaded pistol in his hand Cave urged him on to the consummation of the deed. Irresolute, bewildered, worked upon more by the exhortations of Cave than any desire to do wrong, the native hesitatingly entered Mason's house, looked around and came out without touching a thing. Mason was watching for him and as soon as he was fairly on the street again shot him dead.

For specimens of Indian warfare we must go north. The natives of California valley were a mild race, and when the miners shot them down the survivors

seldom retaliated. In the vicinity of the Oregon border, however, on both sides of the line, it was quite different. The inhabitants were a bolder, braver people, who would not tamely submit to every indignity.

During the year 1852 there were several new mining fields discovered in northern California and southern Oregon, and the natives thereabout being high-spirited and strong, and the miners overbearing, it is no wonder there were many outrages on both sides.

Conspicuous among the savages was a Shasta, called by the white men Scarface, and another named Bill, and Sullix the bad-tempered, who in cunning, treachery, and cruelty, were equal to any of the white men invading their domains—only the latter were the stronger. E. Steele, of Yreka, was a favorite of the Shastas, who named him Jo Lane's Brother. Among the Rogue river chiefs, some of whose people belonged to the Shasta nation, were Tolo and John, Sam and Jo; then at the foot of the Siskiyou mountains, was Tipsey, or the Hairy, second to none in war and diplomacy.

White men imposed upon the Shastas, and from time to time these chiefs had killed white men. Sometimes Steele played successfully the part of peacemaker; oftener there was fighting.

On one occasion, while a surveying party was at work in his vicinity, Scarface said to them, "You white men who are so good and so great, why do you come into our country and kill our men, ravish our women, and go around with a compass and chain crying 'stick, stuck,' set up a few stakes and call the land your own when you have not paid a cent for it?"

Cardwell, an old Indian-fighter of that vicinity, tells many stories of this aboriginal. "This same old Sullix sat upon one of the sills of my mill," he says, "while I was at work boring and mortising on it, watching the road alive with men coming into the valley after the discovery of the

Jacksonville mines, and he remarked to me that it had never been the intention of the Indians to give up the country, but they had meant to let a few whites settle here, and get as much property around them as they could, and then go to work to wipe them out; but they were discouraged by the unexpected influx of people. He then consoled himself by telling me one of his adventures. Some time ago, with two other Indians, he was on the Klamath river, and late one day they saw two white men slipping along and trying to avoid being seen. He and his companions watched them, and observing where they camped that night, stole up and murdered them both. He seemed to rejoice over the bloody deed. 'But now,' said he, 'we have waited too long to carry out our design; the whites have overpowered us.' He would work himself into a great rage talking of these things; his eyes would fairly turn green. When he told me of the murder on the Klamath, I came near striking him with my chisel; and I then and there made up my mind that if an opportunity ever presented I would kill that Indian. I afterwards had the pleasure of shooting him, but it did not kill him. This was in the subsequent Indian troubles."

Cardwell states further that a few days after he had selected his mill site at the present town of Ashland, Tipsey's band had a quarrel with a Shasta band over on the Klamath, in which Tipsey was wounded in the chin, and two of his men were killed. The bloody arbitrament having proceeded thus far peaceful negotiations were begun. The money value of the dead Shasta was about equivalent to Tipsey's chin. On the other side a Shasta chief was killed. "They settled the matter," continues Cardwell, "by standing off the two chiefs, but several horses were demanded by Tipsey in payment for his two braves killed, with the understanding, however, that if Tipsey recovered, the horses were to be paid back as indemnity for the death of the Shasta chief. Tipsey recovered, and the

Shastas came over, about one hundred strong, and demanded the horses. Tipsey refused to deliver them up, and sent to Butte creek for help, determined to give the Shastas battle. The reënforcements swelled the number to about one hundred and fifty. The Shastas also received reënforcements, making the number on each side about the same. Their manner of going to battle was extremely diverting. The prairie where Mr Lindsay Applegate's farm is, was the battle-field. The Shastas were collected on one side of the prairie, and the Rogue Rivers opposite. Each built a large fire at the place where they were assembled. Ten, fifteen, or perhaps fifty would start out from one side and go scampering across to within sixty or eighty yards of the opposite party, when about the same number would start after them, chasing them back, and shooting at them all the way to be chased over the fields in their turn. This kind of warfare lasted for three days, the contestants fighting about six hours a day. They then compromised the matter, reminding us in all this of the highly rational way France and Germany have of settling their quarrels.

At no period in the history of savage warfare are found more brave deeds by heroic women than during the Indian troubles of 1855.

Coming down the Rogue River valley, spreading devastation on every side, on the morning of November 9th, a large band of savages appeared before the house of Mr Wagoner, who was absent on a mission of courtesy to Sailor diggings, leaving his wife and child there alone.

As the Indians approached the house, and set fire to it, Mrs Wagoner knew that her fate was sealed, that there was no escape from death or dishonor. She was a beautiful woman, educated and refined, New York being her native state, and having been some time on the frontier, she spoke the local dialect fluently. But she made no attempt to use her powers of persuasion at this juncture, knowing that such

effort would be useless. The enemies of her race were at her door; they were savages, maddened by years of wrong and the shedding of much innocent blood. Their wives and daughters had been outraged and slain by the white men; for a brief moment they might enjoy revenge.

Barring the door, and refusing admittance to any, refusing even to parley, she proceeded quietly to arrange her beautiful hair, and dress herself with neatness and decorum, as if for an important occasion; then drawing to her the child, and folding it to her heart in the last embrace this side of eternity, she seated herself in the middle of the room, took the child in her lap, pillowed its head upon her breast, and thus, while singing to it a lullaby, she met her doom. She heeded not the approaching flames; she heard not the savage yells; nor was she conscious of the glittering eyes that peered at her through the crevices of her cabin. Already in spirit she was far away from that horrible scene, safe with her child beyond the skies.

The leading events of the insurrectionary movement of the Modocs I have presented in my general history, but the subject is worthy of more extended treatment than I was able then to give it. I have, therefore, reserved sufficient space for fuller detail in this volume.

To the early incomers the Modocs were a wild, unknown people, and scarcely ever seen. Indeed, Modoc is a Shasta word, signifying stranger, or hostile, and so was taken up and applied to these savages by white men hearing the Shastas speak of them.

When Superintendent Huntington made the treaty of 1864 with the Klamaths and Modocs, that portion of the latter tribe which lived on the border of California, and acknowledged Keintpoos,—individually known in the settlements as Captain Jack—for their chief, he had no great difficulty in gaining the consent

of this personage to the terms of the treaty. Yet even then, circumstances existed which would make the observance of the conditions of the treaty exceedingly irksome to Captain Jack, who had acquired that love of civilized as well as savage vices which unfitted him for encagement on a reservation. The bad character of the Shastas, Pit Rivers, Lower Klamaths, and other tribes occupying the country in the vicinity of the mines, was not altogether in consequence of their association with vicious white men; such association, however, gave them every opportunity to practice whatever vices they might have. They were so given to quarreling among themselves, that it was only when at war with others that harmony reigned in the household.

Some of these savages were always hovering about mining camps and were often employed as servants in town houses. They had a good understanding of the English language, and were not unaware of the civil war being carried on at the east, from which they were led to believe the white race, of whose numerical strength they had a feeble idea, was in a condition to be successfully attacked and possibly exterminated. This idea prevailed to a great extent among all the natives, from the Missouri to the Pacific. When Superintendent Steele of California, entered upon the duties of his office, in 1863, he found the Klamaths and the Modocs, under their chiefs Lalake and Schonchin, preparing to make war upon the settlers of northern California and southern Oregon, having already begun stealing cattle and plundering and killing white men travelling through their country. The operations of the 1st Oregon cavalry and the establishment of Fort Klamath to prevent these outrages, are known to the readers of my history. These measures, together with the killing of two of the most vicious of the Klamath sub-chiefs, resulted in bringing these Indians to a realization of the power of the white men, and the necessity of a treaty.

In February 1864 these border Indians, who belonged some to California and some to Oregon, but who knew nothing of the 42d degree of latitude which formed the boundary between, and who were in the habit of visiting Yreka, the residence of Superintendent Steele, being led to fear that they would be punished by the Oregon troops for their misconduct, sought the advice of Steele who made with them a sort of treaty of friendship and peace. This treaty was made solely with Steele, and witnessed by a justice of the peace, E. W. Potter, and the sheriff of Siskiyou county, D. Kearn. It required of the Indians nothing but their promise to live in peace among each other and with the white men, to refrain from killing, and stealing from members of the several tribes, and from interrupting the travel of individuals of one tribe through the country of another. The penalty for breaking this promise was to be given up to the soldiers for punishment. They were required to respect the lives and property of white men, negroes, and Chinamen, allowing them to pass through the country claimed by them without molestation, or being taxed for right of way, or robbed of their property or money, but they were permitted to charge a fair price for ferrying travellers across streams, or acting as guides if desired to do so.

They agreed not to get drunk when they came to the settlements, nor to steal while on these visits, nor to rob the sluice-boxes of Chinamen, but promised to remain out of town at night in their own camps. They also promised not to sell their own or the children of other Indians, or to sell their women to white men unless the purchasers would go before a justice and marry these women, nor to bring their arms into the settlements, except to be repaired. On the part of the white people it was agreed by Steele that they should be protected when they came to the settlements; but they were counselled to obtain passes from the officers at the forts, and the Modocs and

Klamaths were informed that they were subject to the inspection, protection, and restraint of the officers at Fort Klamath.

The motive which led the California superintendent to make a treaty with Indians whom, by his own confession, he knew did not belong to his district, might be questioned—indeed was questioned afterward, with severity; but there was no reason to doubt that to his judgment he seemed to be doing what was best at the moment. But he was not unaware that a treaty with the Klamaths and Modocs had for a long time been in contemplation, and was likely to occur at any time, since congress had made an appropriation for that purpose, and the Klamaths had been fed at Fort Klamath during the winter; and his long experience should have told him that savages are never able to comprehend, nor ever willing to consent to receive instructions from two sources.

It is easy to see how the treaty made with Steele in February, which permitted the Indians to visit the settlements, where, in spite of their promises, they found means to carry on their former nefarious trade in prostitution, should have affected the attitude of Captain Jack and band toward the treaty authorized by the government, and made with the Klamaths and Modocs in October following. This band of Modocs was composed in part of vicious renegades from other tribes, and had their home about Tule and Clear lakes, in what was known as the Lost River country, where formerly they used to lie in wait for parties of emigrants whose road lay around the shores of the lake, and from which they now had an easy and short road into Yreka and the mining settlements. Admitting the attachment of aboriginals to particular localities, which would make them reluctant to remove from Lost River, Captain Jack could not willingly have resigned the advantages which the treaty with Steele gave him over that which Sconchin, the head chief of the Modocs, agreed to accept from Huntington;

and it very soon was understood that though Jack had signed the treaty with the other chiefs, he had no intention of keeping it. This probable repudiation of the treaty during the interval before it was known to be ratified by congress, and before the agency was well established, was not, however, a subject of serious concern.

In the meantime they were not keeping their agreement either with Steele or the United States. In the autumn of 1867 two of them were apprehended by Agent Applegate, and placed in chains at Fort Klamath, for distributing ammunition to the hostile Snakes; and in the following year, having refused to come on the reservation, military aid was asked to compel them to remove. In 1869 the settlers of Siskiyou county petitioned General Crook to remove the Modocs to the reservation, as their presence in that district was detrimental to the interests of the people. In reply, Crook stated that the Modocs would have been removed before this, but for a report from the former commander at Fort Klamath that the Indian department did not supply sufficient food there, and that they would not submit to remain upon a reservation where they were not fed, and could kill but little game. After some weeks, however, General Crook, on the demand of Superintendent Meacham, ordered the commanding officer at Fort Klamath, Lieutenant Goodale, if he believed the Indian department prepared to take charge of them in such a manner as to give no cause of complaint, to bring Jack and his band upon the reservation.

Accordingly, in December, Meacham, accompanied by a detachment of troops from the fort, repaired to Stone Bridge, on Lost river, where he met Captain Jack and his band, and informed them of the purpose of the government to insist on his observance of the treaty. During the night following the council, Jack, with a few of the most desperate characters in his following, left the camp and fled to the lava beds,

on the south side of Tule lake, leaving two sub-chiefs, George and Riddle, with the women and children, in the hands of the superintendent. Meacham did not, as Jack hoped, return at once to the reservation with these, but remained in camp, and sent messengers to him, after which diplomatic correspondence, lasting two or three days, Jack finally consented to go with the rest upon the reservation, saying, however, to George, that he did not intend to stay.

Meacham established Jack's band at Modoc point on upper Klamath lake, where Sconchin also was temporarily located before removal to Camp Yainax, and where they were to all appearance contentedly settled. He gave them a supply of clothing and provisions, and on the 1st of January, 1870, turned over to the new agent at Klamath, O. C. Knapp, the business of seeing that Crook's fears concerning their comfortable subsistence were not realized. For, as if the Indians could not be wholly entrusted to the Indian department, military officers were, in the autumn of 1869, substituted for the agents previously employed, not only at Klamath, but at each of the reservations in eastern Oregon, and on many of the reservations in California and elsewhere.

As if to sustain the military character for superior humanity, and also perhaps to make a favorable impression upon Jack's band, while all the Indians received ample allowances these were particularly well supplied, receiving more in proportion than the Klamaths, and being favored in other ways. But to these kind influences Jack was insensible. Early in the spring he left the reservation with all his people, about two hundred and fifty in number, and returned to Lost river to fish and to be within easy reach of Yreka. And it was evident that force would have to be used to compel this band to remain upon the reservation. Information was at once sent to the superintendent, residing at Salem, who thereupon made a demand upon the officer in command at the fort to take meas-

ures to return these Indians, which effort for some time, however, remained unattempted. In the meantime misunderstandings arose between the superintendent and the agent, the former accusing the latter of allowing the Klamaths to ceaselessly annoy and insult the Modocs, whom he had ordered to change their location, and surrounded them with Klamaths, to their great dissatisfaction, under a pretense of preventing their escape.

If there was one thing more than another on which Superintendent Meacham prided himself, it was his knowledge of and influence over Indians. Like Steele, who had accepted the chieftainship of Jack's band in 1864, he was flattered by being looked up to by savages. He had a theory that if a man only felt sufficiently his common brotherhood with the wild men, he would be able to control them through their affections; and although Jack seemed rather an unpromising subject for such practise, he anticipated the greater distinction from success. He was, therefore, indignant when it was reported to him that Knapp had done anything to displease Captain Jack, who, he said, could not be blamed for leaving the reservation under the circumstances.

The circumstances as alleged by Jack were, that his people were obliged to labor at making rails, that they had little to eat, that the water on the reservation was frozen, and that Captain Knapp moved them from place to place; to which Knapp replied that they were placed at Modoc point at their own request, and their proposed removal, about the 1st of April, was to a suitable place for opening farms and for obtaining wood and grass. It was this prospect of having to allow his men to be degraded by labor, instead of living off the sale of women and children, which hastened Captain Jack's departure. Meacham thought differently; and in his dissatisfaction requested that some distinct special regulations should be promulgated, whereby the relative positions of the military

and Indian departments might be understood, embarrassment removed, and harmony made possible.

That there was some such necessity is apparent from the fact that enmity existed between Knapp of the agency and Goodale of the fort. Knapp, though it was his duty to have called upon the commanding officer of Fort Klamath to bring the absconding Indians back, neglected to do so, upon his own belief that the force at that post was insufficient. This neglect caused Goodale to be censured, who placed the blame very promptly where it belonged; though at the same time he was compelled to admit that the judgment of Knapp in this matter was correct, and that he had not force sufficient to compel Jack to return if he did not wish to, as plainly he did not.

A year and a half elapsed, during which nothing was done to bring back the absentees. Captain Jack, grown bolder through success, and the encouragement given to his rebellion by that class of men known in the mines as "squaw men," meaning men who had taken to wife Indian women, either with or without the customary marriage ceremonies, and by other low-class whites, if not by the advice of some more responsible person, made him set up a claim to a tract six miles square, lying on both sides of the Oregon and California line, near the head of Tule lake, where he proposed to establish himself as chief of the 200 or 300 Modoc men, women, and children whom he had so far persuaded to follow him. Superintendent Meacham was too much occupied with Commissioner Brunot in examining into the condition of the Indians of Oregon generally to give his personal attention to the behavior of Captain Jack, whom he the more willingly left to his own devices because he sympathized with him.

In August 1870 Crook was relieved from the command of the department of the Columbia by General Canby, and sent to fight the Indians in Arizona. For

the same purpose the military stations in Oregon were depleted, there being but one company, K, of the 23d infantry, at Fort Klamath, under Lieutenant Goodale, and no cavalry; while at Camp Warner, the nearest post to Klamath, there was one company of cavalry and one of infantry. It could not be expected that one of these posts could assist the other, each having to keep in check a thousand savages, who might at any moment take advantage of relaxed vigilance to renew hostilities. Wherefore Jack continued to reside at Lost river, visiting the reservation from time to time, clandestinely, to draw away other Modocs.

But Sconchin, the head-chief of the tribe was able to keep a minority of the people on the reservation. History repeats itself in the wilderness as well as on the ashes of Empire. An Indian must be old to have any wisdom; it is always the "young men" who cannot be controlled, and who are the leaders in war. Sconchin had enjoyed his day as the blood-thirsty enemy of the white race, and many were the victims of his savage ferocity, when from a watch tower in Clear lake his spies looked for the dust of some toiling emigrant train, for which he arranged the ambush at Bloody point. That was all changed now. He had found the white men stronger than he, and wisely consented to be forgiven, and fed for the remainder of his days. Besides he was chief, and a chief must have a respectable following; therefore his advice to the Modocs was to keep the treaty, and avoid hostilities with the United States government. He had been rewarded for his good behavior by being allowed to take his people to Camp Yainax, near his former home, in Sprague valley, about the time that Jack left the reservation.

The Klamaths used formerly to be the friends of the Modocs, though they seemed not to have been so thoroughly base in their dispositions. Under Lalake they had been known to be guilty of murder and other atrocities; but after coming on the reservation,

and being instructed, and especially after Lalake was deposed and a remarkable young savage, named by the agent Allen David, promoted to the chieftainship, their ambition seemed to be to advance in civilization, which they were aware could be done only by conforming to treaty regulations and cultivating the friendship of the government. This conformity of the Klamaths, a source of pride, and perhaps of boasting with them, was obnoxious to Captain Jack, and a cause of his late feeling of hostility to the Klamaths; the more so that the latter had acted with the whites against the hostile Snakes, and had helped to arrest the two Modocs guilty of carrying ammunition to the enemy, and afterward held in chains at Fort Klamath until the war ended. Such was the relative position of Jack and his band to Sconchin's band and the Klamaths in the summer of 1870.

I have elsewhere remarked that the constant scouting necessary during the Indian wars had revealed to the white men every feature of eastern and southern Oregon, hitherto but little known. Drew's reconnoissance from Fort Klamath to the Owyhee had led to the construction of the central military road from Eugene city to the eastern boundary of the state; and the adaptability of the country to stock-raising being understood, invited its settlement by that class of farmers, who began to establish themselves in the numerous small valleys lying between the frequent ridges, very soon after the confirmation of the Klamath and Modoc treaty; so that in 1870 there were many settlers living in secluded homes miles apart, scattered over the Klamath basin from the reservation south to the Tule and Clear lakes.

Since Jack had resolved to lay claim to that portion of the country about Tule lake—a claim favored by Meacham, of which fact Jack could not have been ignorant—the settlers in the vicinity of Lost river had felt some uneasiness, which was increased to alarm

when in August, Jack's band began to kill their cattle, a sure indication of a determination to bring on hostilities. He had at this time about 200 followers, Sconchin having succeeded in withdrawing from his influence nearly seventy, who had been living at Camp Yainax, and which addition to his following made him the equal with Jack in point of numbers. Just before depredations were begun, Agent Knapp held a council with Jack, whom he met in Yreka, when the latter informed him that he would not go upon the reservation, and refused even to come to Camp Yainax to see the superintendent who was expected there. Having thus thrown down the gauntlet, it was but one step more to kill the stock of the settlers.

Now commenced that preliminary warfare the frontiersmen only too well understood. Roaming about the country in small parties, selecting a time when the men belonging to a farm were absent from their houses to dash up to the doors on horseback, dismount and demand a cooked meal of the frightened women, during the preparation of which they freely occupied chairs or beds, making insulting gestures and remarks—these were the indications of what was surely to follow. To these outrages the settlers singly dared offer no resistance; nor could they collectively have done more than to hasten the outbreak. It was the duty of the superintendent to call for the arrest of these savages, and of the commander of Fort Klamath to perform it; but for reasons already alluded to, no arrests were made.

During the summer of 1871 the insolence of Jack's band increased alarmingly. They frequently came upon the reservation, and about Forts Klamath and Warner, behaving in a defiant manner, saying that they had friends in Yreka who gave them passes and they should go where they pleased. So far as the assertion that they had "papers" was concerned, it was true that they carried letters written by persons of presumed

respectability living in Yreka, testifying to the good conduct of Captain Jack; and it was also true that some of the settlers living nearest to Jack's rendezvous were averse to his being removed, feeling sure that the attempt would bring on a conflict which might prove fatal to them.

At length Jack precipitated the necessity for arresting him by going upon the reservation and killing an Indian doctor of Sconchin's band, who as he alleged, had caused the death of two members of his family. Whether he believed that this was so, or only wished to carry out his defiant intentions, the result was the same; the terms of the treaty making it the duty of the government to defend the Indians on the reservation from their enemies, and on application of Ivan Applegate, commissary at Yainax, an attempt was made by the commander at Fort Klamath to arrest Jack, which effort was rendered ineffectual by those white friends of the renegade Modocs, the squaw men, living along the route travelled by the troops in going to Yreka.

In October 1870 Agent Knapp of Klamath reservation, was relieved by John Meacham, brother of the superintendent, who was in charge at the time of the attempted arrest of Jack. There had also been a change of commanders at the fort, Captain James Jackson, 1st cavalry, having been ordered to this post, with his company, B, and to assume the command. When Agent Meacham informed the superintendent of the course pursued by the Modocs, that functionary desired that no arrests should be made until a conference should have been had with Jack and his band, at the same time naming John Meacham and Ivan Applegate as his representatives to confer with them. This desire having been communicated to General Canby, that officer directed Captain Jackson to suspend any measures looking to the arrest of Jack or his followers until further advice, but to keep his com-

mand in readiness to act promptly and efficiently for the protection of the settlers in the vicinity, should the conduct of the Indians make it necessary. At the same time a confidential order was issued to the commanding officer at Vancouver to place in effective condition for field service two companies of infantry at that post.

In the meantime the superintendent was pursuing his temporizing policy, advising the government to stultify itself by yielding to the demands of these Indians, and setting the example to other discontented bands, of which the warlike Snakes constituted several, to make similar requirements. His recommendations were met by counter advice from other persons interested in the proper settlement of the Indian question, and were not yet acted upon; while the encouragement thus held out to Jack's band to consider the Lost river country as their own, was doing its work in augmenting their stubbornness and insolence.

John Meacham, acting under instructions from the superintendent, sent Sconchin to find Jack and endeavor to obtain a conference. Sconchin carried a letter to a man named Fairchild, living on the road from Tule lake to Yreka, well known to the Indians, and influential among them. Fairchild and Schonchin, together, found and conversed with Jack, who would not agree to the proposition for a conference, and Sconchin returned to Camp Yainax.

In the early part of the summer of 1871, Jesse Applegate settled at Clear lake upon a tract of land owned by J. D. Carr, and lying partly in Oregon and partly in California, which was selected as a stock rancho from the swamp lands of the states, and of which Applegate was agent. On the settlement being made at Clear lake, Jack demanded of Applegate a stated allowance of subsistence in consideration of having permission to settle in the country that he claimed, which demand was promptly refused, Apple-

gate not choosing to recognize his right to levy assessments on citizens residing on land to which the Indian title had been extinguished. On this refusal by Applegate, Jim, one of the firmest of Jack's chosen friends, at the head of fifteen or twenty young warriors, set out upon a tour of the farms in Sangell valley, lying to the north of Clear lake, alarming the people by their insolent behavior, and causing them to complain to the agent at Yainax, and through him to the superintendent. These things led to the attempt to obtain a conference with Jack, to secure which he was given to understand that the killing of the doctor would be overlooked, and he allowed to remain for the time in the Lost river country upon his promise to conduct himself peaceably.

At length he informed Applegate of Clear lake that he would consent to see the commissioners appointed by the superintendent to confer with him, provided they would come to him at Clear lake, attended by not more than four men, he agreeing to have with him the same number. On this announcement Jesse Applegate sent a messenger in haste to Yainax, and Ivan Applegate and John Meacham repaired at once to the rendezvous, attended by two white men and two Indians from the reservation. The distance to be travelled was sixty miles, and they arrived there on the 15th, where they found Jack surrounded by twenty-nine warriors in the paint and feathers of war.

The conference opened awkwardly, Jack seeming embarrassed and disinclined to talk. But Black Jim occupied some time in denouncing the officers of the military and Indian departments in terms of bitter invective, after which Jack found words, and gave the commissioners a history of his grievances. He gave as a reason for not returning to the reservation that he feared the Klamath "medicine," though Camp Yainax, where the Modocs were living, was forty miles from the Klamath agency. He complained that the

Klamaths made him angry by assuming to own the wood, grass, and water on the reservation, drawing an effective picture of the miseries of such a state of dependence. He denied that his people had ever done anything to disturb the settlers, though they had in the summer of 1870 driven away several families who had settled around the north end of Tule lake the previous winter, when Jack and his band were on the reservation, where he was expected to remain. H. F. Miller subsequently returned, and made some arrangement with the Indians, paying them an assessment, and being one of those whites opposed to the removal of the Indians from interested motives. Jack demanded to know who had given information against him, but the knowledge was withheld, for obvious reasons.

The conference amounted to this, that Jack promised to listen to the agent's advice, not to do anything to annoy the settlers, and not to resist the military, and was given permission to remain where he was until the superintendent should come to see them. Agent Meacham wrote to the superintendent that no danger was to be apprehended at that time of any serious trouble between the Modocs and the settlers. Yet on that same night, after the commissioners had started on their return to Yainax, it was warmly debated in the Modoc camp whether or not to open hostilities at once by killing the Clear lake settlers.

The report of Meacham's conference with Jack, and his assurance that no immediate danger existed, was communicated by the superintendent to Canby, who in turn communicated the same to the commander of the division at San Francisco, and the matter rested. This impression was strengthened by the report of the military inspector, Ludington, who entered Oregon from the south by the route passing by camps Bidwell, Warner, and Harney, that the people along the route seemed free from any fear of Indians, and that any rumors to the contrary were occasioned by the

petty annoyances of individuals or small parties of Indians visiting the settlements, but unattended by violence or threats. The military department, excepting the inspector, who did not visit Klamath, and Jackson, who should have been better informed, could not be blamed for not knowing the true position of affairs, since it was the duty of the Indian department to give such information as the welfare of either settlers or Indians required, and the superintendent had reported that there was no danger.

But so the settlers of Lost river, Link river, Klamath, and Tule lake districts did not feel. On the contrary, they petitioned the superintendent of Indian affairs, and the general commanding the department of the Columbia, to remove the Modocs to the reservation, saying that the conduct of the Indians was such that they dared not allow their families to remain in the country, and in fact a number of families were removed to Rogue River valley, in anticipation of a conflict with the Modocs, some families going and returning several times as they were more or less alarmed.

The petition of the settlers did not reach headquarters until late in January 1872, though it must have been in the superintendent's hands. That complaints were made by the citizens to the commander at Fort Klamath is shown by the correspondence on file in the department, Captain Jackson having been asked to be more explicit in making statements.

On the 25th of January the superintendent sent the petition to Canby, with a request that the Modocs be removed to Camp Yainax, and suggesting that not less than fifty troops be sent to perform the duty of removing them. Jesse Applegate was instructed to accompany the expedition, if not objected to by the military.

To Meacham's letter, Canby replied that he had considered the Modoc question temporarily settled by the permission given them to remain where the com-

missioners had found them in the previous August; and that he did not think it would be expedient to send a military force against them until they had been notified of the determination of the government to make the change contemplated, and notice given of the point selected, as well as the time fixed upon for removal; but that in the meantime the commanding officer at Fort Klamath would be directed to take all necessary measures to protect the settlers, or to aid in the removal of the Modocs should forcible means be required.

In reply to Canby, Meacham gave as a reason for previous action that in his report for 1871, he had recommended that a small reservation be made for the Modocs at the north end of Tule lake, but that the department had not yet taken any action in the matter; and accounted for his change of policy in asking for their removal to Yainax by saying that they had agreed to remain where the council was held at Clear lake, whereas they were then at Tule lake, sixty miles from the council ground, and had consequently forfeited all claims to forbearance. He repeated his request for their removal to the reservation, and recommended that Captain Jackson be instructed to arrest Jack, and five or six of his head men, and hold them in confinement until further orders were received from Washington; but the military orders show that Jackson was only instructed to keep the department informed of the condition of affairs relative to the Modocs.

There was at this time a continual interchange of correspondence between the superintendent and Canby; and it appears that Meacham was able to thoroughly infuse into the mind of the general that the Modocs were in the position of a helpless and injured people, who had been driven from the reservation by their enemies the Klamaths. In a letter to Canby dated February 18, 1872, he repeated that they were abused by the Klamaths, and that the sub-

agent failing to protect them they left the reservation, having been upon it but three months, in the winter of 1869–70. Why they had refused to come upon the reservation before that time, he did not say, nor make any reference to the fact that they were coerced into coming at that time; and that consequently their dislike to the reservation did not have its foundation in the conduct of the Klamaths during those three months. Thus while Canby was asked to compel the Modocs to go upon their reservation, he was furnished with a cogent reason for hesitating to do so; and was placed by the statements of the superintendent of Indian affairs in the position too often occupied by the military department, of opposition to the people whose property and lives were involved. And not only Canby, but the commander of the division, who received his information from Canby, was influenced in like manner.

Alarmed by the delay in arresting Jack and his confederates, a petition was forwarded by the people of Klamath basin to Governor Grover, of Oregon, to urge the superintendent to remove the Modocs, or in case this was not done, to authorize the organization of a company of mounted militia, to be raised in the settlements for three months' service, unless sooner discharged by the governor. In this petition the settlers reiterated their former statements, saying they had been harassed for four years by the Modocs, who were about 250 in number, with about eighty warriors every day growing more insolent.

The military, said the petitioners, are keen to extend the desired protection, but are subject to the superintendent's order, who has turned a deaf ear to our numerous petitions; and unless the governor could help them there was no further authority to which they could appeal. They were scattered over a large area of country, and in case of an outbreak the loss of life would be heavy, a contingency they were seeking to avoid

Governor Grover at once called upon Superintendent Meacham, who thus urged renewed his application to General Canby for troops to arrest Jack, seconded by a letter from the governor. To this application Canby replied that he had sent an order to the commanding officer of the district of the lakes to establish in the threatened neighborhood a cavalry force sufficient to protect the settlers; adding that until the questions submitted by the superintendent to the commissioners of Indian affairs at Washington should be settled, it was his duty to prevent a war if possible; but if that could not be done, all the forces needed to suppress the Indians would be applied. According to these instructions Major E. Otis sent a detachment of fifty cavalry and three officers to establish a temporary camp in the Lost river district, which for the time relieved the settlers without removing the cause of their anxiety.

Early in April Meacham was relieved of the superintendency, and L. B. Odeneal appointed in his place. The position, owing to the Modoc difficulty, was not without serious responsibilities, and so Odeneal felt it to be. One of his first acts was to take counsel of Major Otis in regard to the propriety of permitting Jack's band to remain any longer where they were. Otis made a formal recommendation in writing, that the permission given them by Meacham the previous August should be withdrawn, and they be directed to go upon the reservation; but that the order should not be given before September, so that in case they refused, the military authorities could put them upon it during the winter season, which was considered the most favorable time for the undertaking. Otis further recommended placing Jack and Black Jim on the Siletz reservation, or any other place of banishment from their people; and stated as his reason for this advice that in his judgment there would be no peace for the people, to whom they were

insolent and insulting, so long as permitted to roam about the country, without the presence of a considerable military force to compel good behavior. In order to make room for the Modocs, and remove all cause of complaint it was proposed to place Otseho's band of Snakes, together with Wewawewa's and some others, on a reservation in the Malheur country. The same suggestion was made in a communication to Canby April 15th.

While these matters were under discussion an order arrived from the commissioner of Indian affairs to remove the Modocs, if practicable, to the reservation already set apart for them under the treaty of October 1864, and to see that they were properly protected from the Klamaths—showing that Jack's story of abuse had reached Washington. The superintendent, if he could not remove them, or could not keep them on the reservation, was instructed to report his views of locating them at some other point, naming and describing such place as he selected.

Not wishing to make the journey to Klamath, Odeneal wrote to agent Dyar at the reservation and Commissary Ivan Applegate, at Yainax, to see Captain Jack, and endeavor to persuade him to return to the reservation. Previous to this order, on the 3d of March, Major Otis had made an attempt similar to the one now required of the agent at Klamath. By means of his Indian scouts under Donald McKay, he opened communication with Jack, assuring him of the peaceable nature of his mission, and inviting him to meet him at Linkville, a settlement founded by George Nourse at the lower end of the upper Klamath lake. But Jack declined to meet the major anywhere but in his own country. After considerable negotiation it was arranged that the meeting should take place at Lost river gap, the soldiers to be left at Linkville, and Jack's warriors, except half a dozen men, to be left away from the council ground. Otis went to the rendezvous with Agent High, two of

the Applegates, three or four settlers as witnesses, and three or four Klamath scouts, and found Jack awaiting him with thirty-nine fighting men, as on a previous occasion he had met Meacham. The council proved as little productive of satisfactory results as the former one.

When the order came from the commissioner through Superintendent Odeneal to inform the Modocs of the wish of the government that they should comply with their treaty obligations, Schonchin was employed to act as messenger and arrange for a conference. As before he required the agents of the government to come to him, and the rendezvous was appointed at the military camp at Juniper springs on Lost river. Dyar and Applegate, attended by the head men of the reservation Modocs, met Jack and his favorite warriors on the 14th of May, when every argument and inducement was held out to influence them to keep the treaty; but all to no purpose. Promises of ample protection, subsistence, and privileges were of no effect. The unalterable reply of Jack was ever to the effect that he should stay where he was, and would not molest settlers if they did not locate themselves on the west side of Lost river near the mouth, where he had his winter camp. The settlers he said were always lying about him and trying to make trouble; but his people were good people and would not frighten or kill anybody. He desired only peace, and was governed by the advice of the people of Yreka who knew and understood him.

At this conference Sconchin made a strong appeal to the Modocs, urging them to accept the benefits of the reservation, and pointing out the danger of resisting the efforts of the government to induce them to comply with the terms of the treaty. But all was in vain, and Jack as heretofore occupied his position of defiance to the government.

As the commissioners were instructed, in case the Modocs refused to go upon the reservation, to select

and describe some other location favorable to the purpose of carrying out the attempt to tame them, they reported that no situation outside of the reservation had been found so suitable as the reserve itself for the purpose, all the good agricultural land being taken up, and most of the grazing land having been located as state land In addition, the settlers were determined in their opposition to having the Modocs located in their midst at Lost river. They recommended, therefore, that they be placed on the reservation.

This report being sent to the superintendent was forwarded to the commissioner at Washington, F. A. Walker, together with his own opinion on the subject, which was that the head men should be arrested and taken to some point remote from their tribe until they should agree to keep the laws, and the remainder be removed to Yainax; the time suggested for the accomplishment of this plan being the last of September. On receiving this communication, which was approved the commissioner issued to the superintendent an order to remove the Modocs to the Klamath reservation, "peaceably if you can, forcibly if you must," at the time suggested.

On the 11th of May, Otis reported that since his conference with them in March, the Modocs had been quiet, giving no cause of complaint. They were at that time scattered from Yreka to Camp Yainax, and through the mountains in the vicinity of Lost river, rendering the camp at that place useless, and he recommended its withdrawal, proposing instead of a camp, to make an occasional tour through the country. The troops were accordingly withdrawn about the last of the month. No sooner, however, were the troops returned to Fort Klamath, than the same excitement prevailed as before. Captain Jack with forty armed men presented himself at a camp of the reservation Indians, off on their summer furlough, and behaved in such a manner as to frighten them back to the reservation in great haste. The settlers were

hardly less alarmed, and talked of organizing a militia company for protection. The usual correspondence followed between the Indian and military departments, Canby assuring the superintendent that the settlers would be protected.

While the Modoc question was thus approaching a climax, influences unknown to the departments were at work to confirm Captain Jack in his defiant course, his friends in Yreka having encouraged him to believe that an arrangement could be made by which he could remain at Lost river by offering to secure the permission of the government. This offer led to further opposition by the Modocs, who in their ignorance of government affairs, and respect for Steele—whom they still regarded as clothed with authority to direct them, and whom they trusted as their confidential friend—believed they would be defended in resisting the authorities in Oregon—a mistake which was to lead to the most deplorable consequences.

It was now definitely settled by the proper authorities that the Modocs were to be removed to the reservation before winter. For this purpose superintendent Odeneal repaired to Klamath where he arrived on the 25th of November, whence he sent James Brown, of Salem, and Ivan Applegate to Lost river to request the Modocs to meet him at Linkville on the 27th. At the same time the messengers were instructed to say that the superintendent had only the kindest feelings for them; that he had made ample provision for their comfortable support at Yainax, where, if they would go within a reasonable time, they should be fairly dealt with and fully protected; and if they would go there at once with Applegate, he would meet them there, but if they refused he required them to meet him at Linkville in order that a final understanding with them might be had.

Captain Jackson had been superseded in the command of Fort Klamath by Major Hunt, who in turn

was relieved July 17, 1872, by Major John Green, in command at this time. Major Otis had also been relieved of the command of the district of the Lakes, June 18th, by Colonel Frank Wheaton, 21st infantry. To Wheaton, Odeneal addressed a communication at the same time, informing him of the purpose of his visit, to carry out the instructions of the commissioner to remove the Modocs to the reservation. Odeneal had been of the opinion, when he came into office, that force would not be necessary; but on learning more about the matter, and conferring with Ivan Applegate, he asked to have a force in readiness sufficient to overawe the Indians, should they prove refractory on receiving his message, so suggesting to Wheaton in preferring his request to have the troops ready for immediate action in case they were needed.

On the 27th the superintendent, in company with Dyar from the Klamath agency, went to Linkville to meet the Modocs, as he had appointed, but there found only his messengers, who informed him of Jack's refusal either to go upon the reservation or to meet him at Linkville. "Say to the superintendent," said Jack, who with a part of his men was in camp at Lost river, "that we do not wish to see him, or to talk with him. We do not want any white men to tell us what to do. Our friends and counsellors are men in Yreka. They tell us to stay where we are, and we intend to do so, and will not go upon the reservation. I am tired of being talked to, and am done talking."

It being now apparent that nothing short of an armed force could influence these Indians to submit to the government, the superintendent sent a report of the late conference of his messengers with Captain Jack, and of the reply of Jack to his proposals, together with the order of the commissioner, to Green, with a request that he should furnish sufficient force to compel the Modocs to go upon their reservation; and in case it became necessary to use compulsory measures, to arrest first of all Jack, Black Jim, and Scarfaced

Charley, holding them subject to his orders. In reply to this demand, Green sent word that Jackson would at once leave the post with about thirty men.

It had never been in contemplation by the superintendent or agents, or by General Canby, that any number of troops under fifty should attempt to arrest Jack and his head men. Indeed, the general had issued a special order early in September, giving the commander of the district of the Lakes control of the troops at Fort Klamath, that in an emergency he might have men enough to make the attempt at removal successful. On receiving these instructions Wheaton replied that he had directed Green to keep him fully and promptly advised by courier of any change in the attitude of the Modocs, and should it be necessary he should move into the Modoc country with every available mounted man from Camp Harney, Bidwell, Warner, and Klamath.

Had a strong force of cavalry been called out, and proceeded with proper caution, doubtless the arrest might have been made. But the officers at Fort Klamath flattered themselves that the Indians would yield at once to the troops, the more so that the weather was stormy and unfavorable to escape. Green, therefore, after despatching a courier to Wheaton, did not wait for instructions or reënforcements, but sent upon this doubtful errand a force of thirty-six men, believing that if surprised the Indians would surrender.

The troops left Fort Klamath at noon on the 28th of November, officered by Jackson, Boutelle, and McEldery. Odeneal, who had sent his messenger Brown to notify all settlers who would be endangered by an unsuccessful engagement with the Indians, also met Jackson on the road about one o'clock on the morning of the 29th, and directed him to say to the head men of the Modocs that he had not come to fight them, but to conduct them peaceably to Yainax,

where arrangements had been made for their reception; not to fire a gun except in self-defence, after they had first fired upon him; and in every way to guard against any appearance of hostility.

Guided by Ivan Applegate, the troops moved on through a heavy rainstorm, arriving near Jack's camp about daybreak. Jackson then formed his troops in line and advanced rapidly upon the Modocs who were surprised but not unprepared. Halting his men at the edge of the camp, Jackson called to them to lay down their arms and surrender, Applegate interpreting and explaining the meaning of the visit, asking them to yield to the authority of the Indian department. A part of them seemed willing to do so, but Scarfaced Charley, Black Jim, and some others retained their guns making hostile demonstrations.

Three-quarters of an hour was spent in parleying, during which these few leaders grew more determined, and at length Jackson ordered Boutelle to take some men from the line and arrest them. As Boutelle advanced in front of his men, Scarfaced Charley exclaimed with an oath that he would kill one officer, and fired at him. This was the signal for hostilities to commence. A volley from both sides opened simultaneously, and Boutelle lost, almost at the first volley, one man killed and seven wounded. The troops kept up a rapid firing, killing in a short time fifteen Indians.

Up to the time that firing commenced, Jack had taken no part in the conversation, but lay sullenly in his tent, refusing to come forth or make any answer to the propositions. When hostilities began, however, he showed himself prepared and retreated fighting.

Mr Applegate says that the Modocs had for a long time vigilantly guarded against surprise; and after Ivan and Brown had left, Jack gathered the warriors, so that at the time of the fight their aggregate number of men and boys capable of bearing

arms was probably twice as great as at the time of Ivan's visit. Every circumstance indicated that they were prepared for any emergency. The horses were all gathered in bands near the encampments, and an Indian evidently on guard, fired his gun and ran for camp shouting soldiers! soldiers! when Jackson's troops first appeared.

The great error of attempting the arrest of the Modoc leaders with so small a force became now apparent. Had Jack and a few others been taken, there would have been nothing to fear from the others, who would have been restrained by apprehension of punishment falling on their leaders. But no arrests being made, the advantage was all on the side of the savages. The already too light force of Jackson was rendered less efficient by having to care for the wounded whom he dared not leave in camp, lest the Modoc women who still remained should kill and mutilate them. Leaving only a light skirmish line in charge of Boutelle, he was forced to employ the remainder of his men in removing the dead and wounded to the north side of the river in canoes, and thence half a mile below to the cabin of one Dennis Crawley. Having done this he returned to the southwest side of the river and dismantled the Indian camp, destroying whatever property it contained, among other things three rifles and two saddles found in Jack's wickiup. In the meantime a party of settlers consisting of Oliver Applegate, James Brown, J. Burnett, Dennis Crawley, E. Monroe, Thurber, Caldwell, and others, who had collected at Crawley's to await the event of the attempted arrest, attacked a smaller camp on the north side, and had one man, Thurber, killed. They then retired to Crawley's place, and kept up firing at long range, preventing the Indians from crossing the river and attacking Jackson's command on the flank and rear. While the fight was going on, two settlers William Nus and Joseph Penning, coming up the road, unaware of danger, were

fired upon and wounded, Nus fatally, within half a mile of the house, which they reached before Nus died. Applegate, Brown, Burnett, and others then went in various directions to warn the settlers that hostilities had begun, which left but a small force at Crawley's to protect the wounded and the other inmates.

During the forenoon Crawley came to Jackson with the information that the Indians on the north side under two noted Modocs, Hooker Jim, and Curly-headed Doctor, were preparing to attack his place. On this information, he mounted his men and rode rapidly up the river eight miles to the ford, where alone the cavalry could cross, arriving at Crawley's late in the afternoon. In the meantime the Indians burned some hay, and committed some minor depredations in sight of the troops. Darkness brought a cessation of hostilities.

While these events were taking place, no one seemed to have thought of the danger that threatened the settlers in the lower country around Tule lake. Captain Jackson was ignorant that there were any inhabitants in the vicinity who had not been warned; but on the morning of the 30th, having heard that there was a family named Boddy about three and a half miles below Crawley's, he sent a detachment, guided by Crawley, to ascertain their condition. At Boddy's house no one was found; but everything being in order, with no signs of violence, and the horses being in the corral, Crawley came to the conclusion that the family had been warned, and had fled southward, warning others, and he therefore returned with a corresponding report. Such, however, was not the fact.

While the fight was going on, during the morning of the 29th, a party of Modocs, escaping and making their way toward their afterward celebrated stronghold in the lava beds, had killed three men and one boy of this family who were found in the woods at work cut-

ting and hauling fire wood. The women, two in number, were permitted to escape. The Boddy family consisted of William, his wife, his daughter and her husband, Nicholas Schira, and his step-sons, William and Richard Cravigan. Mrs Schira's narrative was substantially as follows: On the morning of the 29th Mr Schira was looking after some sheep on the border of Tule lake, and came in during the forenoon with some ducks he had shot, changing his muddy boots, and afterward taking his team and going to the woods for a load. Mrs Schira subsequently took the wet boots out in the sun to dry them, and it being a quarter past eleven, she thought it time for her husband to be returning. Looking up the road, she saw the team coming without a driver. She went up to the mules and stopped them, took up the lines, and saw that they were bloody. She informed her mother that something had happened to her husband, and after putting the animals in the stable, the two women walked up the road together. About a half mile from the house they found Schira, dead, shot through the head with a revolver. Mrs Schira then remembered her brother Richard, who would be coming home with her husband, and ran on, leaving her mother, who could not keep up with her. As she ran, she saw Hooker Jim's Indian wife emerge from the sage-brush, and afterward Hooker Jim, Curly-headed Doctor, Long Jim, One-eyed Mose, Rock Dave, and Humpy Jerry, all well-known Modocs. They did not intercept her, but went toward her mother, who was still beside the dead man, and asked her if there were any men at the house. Knowing well that much depended on her reply, she feigned not to understand their purpose, answering, "No, the mules have run away and killed the driver, and I am looking for our men." At this answer they left Mrs Boddy without molesting her, but could not have gone to the house, perhaps fearing to find men there notwithstanding Mrs Boddy's denial. Other Indians who came that way a day

later robbed the place of $800, every article of value, and took seven horses besides. The body of Schira, which was not mutilated when she left it, before she saw it again was much mangled. After finding the body of her brother, Mrs Schira, with her mother, fled over the timbered ridge toward Crawley's, but while on the crest, happening to see the men gathered at that place, they mistook them for Indians, and turned toward the highest hills between them and Linkville, where they found snow lying, through which they travelled until late at night, when they sat down under a juniper tree to wait for daylight, by which time Mrs Schira's feet were so swollen that she could not wear her shoes. Tearing up part of her dress, Mrs Boddy bound up her daughter's feet, and they continued their flight, having eaten nothing since the previous morning. When near the bridge on Lost river, about half way to Linkville, they were met by Mr Cole, who conducted them to the bridge, from which place they were taken to Linkville in a wagon by Mr Roberts, where for the first time they heard of the affair of the day before, which had caused their terrible calamities. On the 2d of December Mrs Schira returned, with a party of four volunteers, in a wagon furnished by Mr Nourse, to look for her dead.

On arriving at Crawley's she found that Boutelle had that morning gone down with three men on the same errand, and when he returned had found three of the bodies, Schira, Boddy, and Richard Boddy. The younger brother was not found for twelve days, having fled, on being attacked, from the place where he was herding sheep, and where they expected to find him, into the thick woods, where he was overtaken and killed. The Boddy family were from Australia, and were industrious worthy people.

It did not appear that the party of Indians committed any further murders that day. On the following day they killed a number of persons about the border of Tule lake, and among others their good

friend H. F. Miller, just when and how there were no witnesses to relate. Living within seventy-five yards of Miller's house was a family named Brotherton, three men of which were killed. The remainder of the family would have shared the same fate but for the courage of Mrs Brotherton, who defended her house and children until relief arrived, three days after the slaughter of her husband and sons.

The account Mrs Botherton gave when rescued was, that on Saturday, the 30th of November, between two and three o'clock in the afternoon, she saw at some distance approaching the house, eight Indian men and eight women, who had the horses belonging to her husband. They surrounded the house of John Shroeder, in sight of her own, and shot Shroeder, who was on horseback, and who tried to escape by running his horse, but was overtaken and killed. Joseph Brotherton, fifteen years of age, was in company with Shroeder, but being on foot, and only a boy, they gave all their attention to the man on horseback. Mrs Brotherton seeing her son running toward the house, went out to meet him with a revolver. A younger boy, Louis, fearing for his mother, called her back and ran after her, but she ordered him back to the house to get his Henry rifle, telling him to elevate the sight 800 yards, and fire at the Indians. He obeyed—his little sister wiping and handling the cartridges. In this manner the mother was protected by one son, while she rescued another. She returned safely to the house and the door was closed and fastened. The Indians then rode past, half a mile, to the tules, where they left their horses, and came back on foot, keeping Miller's house between them and the Henry rifle. Entering Miller's house, they pillaged it, having already killed him. Under Mrs Brotherton's directions, there was a port hole bored on the side of her house toward Miller's. As the auger came through the Indians saw it, and fired, but without hitting anyone. The boy at the

hole returned the fire and wounded Long Jim. One Indian was killed by Mrs Brotherton.

While this was going on, an Indian woman who had been living with Sover as his wife, came to Mrs Brotherton's door, wishing to be taken in. The Indians ordered her away, and threatened to kill her if she refused to go. She told them to kill her, if they wished, being then in deep grief for her white husband; but they replied that they killed Boston men, not women. At length Mrs Brotherton, whose sympathy was aroused for the poor creature, opened the door to admit her, and Hooker Jim, who was waiting for this opportunity, shot into the opening, fortunately without hitting anyone. At dark the Indians went away, and did not return, though Mrs Brotherton dared not relax her guard, and was not relieved until the third day, when a party under Ivan Applegate came that way, and took the family to Crawley's, ten miles above.

On leaving Mrs Brotherton's, the Indians proceeded along the eastern border of the lake to the house of Louis Land, a stock raiser. What transpired there could only be surmised by those who afterward found the cabin destroyed, and the dead body of his herder in the road near the Brotherton place, where he had fallen after a chase of over nine miles. Land was absent; but a man in his service, Adam Shillinglow, was killed; also Erasmus, Collins, and two strangers riding along the road. The number of white men killed on the 29th and 30th of November was eighteen.

The distance from Crawley's, which was now the central point of interest in the Klamath valley, to Fort Klamath was nearly sixty miles. The agency was a few miles nearer. Camp Yainax was about the same distance. It was twenty-three miles to Linkville, where the road to the Rogue River valley left the Klamath basin at Link river; and sixty-five miles from there to Ashland on the other side of the Cas-

cade mountains. These distances in a new country without telegraph lines or railroads, were insuperable obstacles to the swift movement necessary to the emergency which had overtaken the people in Klamath valley. Nevertheless, what could be done by rapid riding was done. Couriers flew in every direction with news of the disasters of the 29th.

As soon as the intelligence reached Klamath agency, Dyar raised a company of thirty-six Klamaths, whom he placed under D. J. Ferree, and sent to Crawley's to reinforce Jackson. Oliver Applegate hastened to Yainax, and after talking to Schonchin, who assured him of the good faith of the Modocs at that camp, placed fifteen of Schonchin's people on guard under the white employés, and taking with him nine reservation Indians, part Modocs and part Klamaths, without any other white man he crossed the Sprague river mountains into Langell's valley, and to Clear lake, the residence of his uncle, Jesse Applegate. This severe test of the good will of the reservation Indians was nobly borne by them, demonstrating on their part the utmost regard for Applegate's person and safety on the dangerous journey.

Arriving at Clear lake on the 2d of December, he found his brother Ivan with a party of six citizens from Linkville, who had been through the country to warn the settlers. They left Linkville on the 1st of December, having been compelled to wait for arms to be sent from Fort Klamath before setting out, and accompanied by five cavalrymen, detached from Jackson's command, had already visited all the settlements known to them, and learned the fate of the settlers on Tule lake, sending the remains of the Brotherton family to Crawley's, as already related.

Leaving the cavalrymen at Clear lake to protect the family of Jesse Applegate, Ivan and Oliver joined their forces and searched the country to recover the bodies of the murdered men, without success on that day. On the 3d Oliver Applegate's party found Shil-

linglow's body, which one of the Indian volunteers, a son of old Schonchin, bound upon a horse.

Ivan Applegate's party were scattered over several miles of country looking for the dead. Two men, Charles Monroe and George Fisck, were left with a wagon at the Brotherton place to find the body of Schroeder. When they saw the party of Modocs and Klamaths approaching, with their leader disguised as an Indian, supposing them to be the enemy, they fled into the cover of the tall sage-brush and concealed themselves until undeceived by the voice of Applegate, when they joined him and went with him to the house. While Applegate looked over the premises his Indian volunteers sat outside on their horses, and Fisck returned to his search for the missing bodies. Being in the stable, Applegate heard loud shrieks, and looking out saw Fisck riding at the top of his speed, pursued by Scarface Charley and fifteen others. At Schroeder's cabin some of the savages halted to set fire to it, while Scarface kept up the pursuit of Fisck, who finally gained the stable, which Applegate had already began to fortify, piling up logs to strengthen the wall, while three of his Modocs stood guard outside.

As the enemy approached, the guards fired. The fire was returned, when Scarface passed by, and stopped about four hundred yards away to counsel with his party. In order to gain time, Applegate directed Jim Sconchin to go out to them and hold a parley. That Applegate had the most entire confidence in his Indian allies was shown by this action; for had Jim the least desire to join the enemy, some of whom were his relatives, the opportunity was furnished. So far was he from betraying his almost single-handed white leader, that he quite deceived Scarface and his followers, pretending to them to have a party of sympathizers at the stable, and offering to bring them out to confer with him.

During this conference Jim learned that the hostile

Modocs had planned to finish the work of spoliation on that day. Captain Jack, with eighteen warriors, was to operate on the west side of Lost river to the stone ford, cross there, and join Scarface. After they had killed all the men who were out looking for the dead, and burned all the houses, they would return to Crawley's the same night, and attack Jackson's camp. Charged with these particulars, Jim returned to the stable, which had been hurriedly converted into a fort, with port-holes bristling with guns.

Scarface waited some time for the return of his supposed ally, who not coming, he cautiously advanced, and seeing the preparations made to receive him knew he had been outwitted. Fearing to make a charge from that side, he took a circuit and when out of rifle range started at a brisk gait to swoop down upon the stable from the rear. Again Jim Sconchin filled the breach of danger, darting across the open space between the stable and a hayrick, and firing the hay. It flamed up, and the attacking party retired to the shelter of the sage-brush, half a mile off.

In the meantime the party of white men under Ivan Applegate were at no great distance away, and saw much that was transpiring without understanding it. Mistaking his brother's party of Indians for the enemy, and having witnessed the pursuit of Fisck by Scarface and the subsequent burning of the hayrick, Mr Applegate supposed that the greater part of Jack's force was at the Brotherton place, and signaling his men to come together, they hastily retreated to Crawley's to inform the commander of the military forces of the whereabouts of the enemy, and also that Fisck and Monroe were killed, as he believed they were, and as they would have been but for his brother.

The guns that were fired as signals by Ivan Applegate were equally misinterpreted by those in the stable, who feared that Captain Jack had already reached that side of the river, and was attacking the other party. In this supposed imminent peril, a Klamath

called Whistler was entrusted with the dangerous duty of carrying a message to the military camp under a flag of truce. As he did not return, and it was not considered expedient to stand a siege under the circumstances, when night came on the party mounted and set out for Crawley's, preferring the risk of meeting the enemy to remaining shut up until Jack should appear.

But the non-appearance of Jack, and the apparent inaction of Scarface, were not occasioned by a fight elsewhere, as was conjectured. The company of Klamaths before mentioned as sent by Dyar to reënforce Jackson, had been on a scout down the west side of the river under Blow, one of the head men on the reservation, and returning was seen by Jack, who prudently kept concealed. Scarface, too, had been frustrated in his designs by the flight toward Yainax of two of Sconchin's Modocs, held by him since the affair of the 29th. Seizing a favorable moment, they set off at full speed, pursued by half the hostile party, which depletion of his numbers left Scarface without the strength to make an attack. These at the time unknown but favorable circumstances deprived the retreat of a portion of the danger in which it was thought to be involved, and also prevented the plan of an attack on the military camp from being carried into effect as designed.

Half way on their journey, Applegate's party were met by Whistler, accompanied by the Klamath chiefs Dave Hill and Blow, with their company of scouts, who returned with them to Crawley's, where the forces were so arranged for the night that the Indians could not attack without exposing themselves to the fire from two camps a short distance apart. It was discovered next morning that some of the Indians had crawled up within two hundred yards of the camps, but fearing to attack had contented themselves with taking two horses to show their daring.

On the morning of the 4th a party of seven citi-

zens, with thirty-three Klamaths and friendly Modocs, returned to Tule lake and brought in all the dead except Miller, whose remains were found about Christmas, horribly mutilated; and the Younger Boddy, who was discovered two weeks earlier. On the way to Linkville to bury the dead, on the 5th, Applegate's brothers, who were in charge of the property that remained undestroyed, and of the expedition generally, met a party of fifteen volunteers under Captain Kelly, and learned that their father, L. Applegate, had started for Clear lake with seven men from Ashland. Fearing he might fall into danger with so small a force, they hastened back to camp that night, and joining Kelly's company went on to Brotherton's place with them on the morning of the 6th. When near the lake they could see about a mile away a party of eight, whether Indians or not they could not tell, and riding along the edge of the lake two white men, who they feared were all that was left of the Ashland party. Ivan Applegate rode forward, and found them to be two advanced guards of a company of cavalry from Camp Bidwell on its way to Crawley's. Taking Applegate, whose face was painted, for an Indian, the guards would not permit him to come near, but conversed with him at a distance until informed of their mistake. The party of eight, who were now known to be white men, and believed to be the Ashland party, also concealed themselves in the rocks on the approach of Kelly's party, nor would they come out until the soldiers went to them and explained that their friends wished to join them. It was then found that the party consisted of the seven Ashland men, under Jesse Applegate, his brother being unable to ride any farther. They were trying to save some of the property and stock belonging to the murdered men or their bereaved families.

Entering lower Klamath lake from the south is a small stream forking toward the west, the southern

branch being known as Cottonwood, and the western branch as Willow creek. On each of these branches, at the crossing of the roads, was a rancho; that on the Cottonwood being owned by Van Brewer, and that on Willow creek by Fairchild. Another stream entering the lake on the west side was known as Hot creek; and here too, at the crossing, was a settler named Dorris. Others were living in the vicinity. Between Dorris' and Fairchild's places was an encampment of forty-five Indians called the Hot Creeks, a squalid band, not yet hostile, but which might become so if left to the persuasions or coercion of Captain Jack. These the settlers, after the fight at Lost river, determined to remove to the reservation. The Indians were not unaware of the position in which Jack's band was placed by their refusal to go upon the reservation. Being greatly frightened they easily yielded, and on the 5th of December started for the reservation under the charge of Fairchild, Dorris, Colver, and others whom Dyar had been notified to meet at Linkville, where the Indians would be turned over to him. But being told by a drunken German that if they started for the reservation they would be killed on the way, they fled.

Fairchild, Dorris, Ball and Beswick then determined to make an effort to persuade Captain Jack to surrender, submit to the authorities, and prevent the impending war. Being personally well known to the Indians, they went accompanied by three of the Hot Creeks, and without arms, to seek Jack among the Juniper ridges between Lost river and the lava beds south of Tule lake. They were successful in finding him, and used every argument to influence him to accept the proffered peace but without avail. Jack rejected any and all overtures that looked toward any interference with his liberty, and boldly declared his desire to fight, telling Fairchild that he wished the soldiers to come, and was prepared for them. Toward

his visitors, who he knew were actuated by a desire to save him as well as the white men, he conducted himself in a friendly manner, even lending Fairchild a horse to ride, his own having strayed, or having been stolen by Jack's band.

In this conference Jack reiterated his charges against the Indian department, and denied all responsibility in the matter of the fight of the 29th of November, saying that the troops fired first; also denying that he or Scarface had had anything to do with the murder of the settlers which followed, saying that Long Jim was accountable for those atrocities; pretending to be quite above killing settlers, and able to fight armed men. The result of the conference was twofold. It gave Jack an opportunity to gain over the Hot Creeks who accompanied Fairchild and through them the whole band; and it convinced the military that no terms need be demanded of the Modocs until they could enforce an unconditional surrender. War was inevitable; and the settlers along the route from Lost river to Fairchild's immediately removed their families to Yreka, while those in other parts of the country were removed to Rogue River valley. Men who must remain in isolated localities surrounded themselves with stockades.

When Colonel Wheaton received the letter of Superintendent Odeneal, before referred to, it found him confined to his bed with quinsy. He immediately answered that steps had already been taken to concentrate, if necessary, all the available mounted men of Harney, Bidwell, Warner, and Klamath to compel the removal of Jack's band to the reservation, should they resist; but he trusted there would be no serious difficulty when the attempt came to be made.

In reply to the letter of Colonel Green informing him of Jack's refusal to move, or even to listen to any further parley on the subject, and of Superintendent Odeneal's requisition for a force to intimidate him,

Wheaton replied that being ill, he directed the commanding officer at Fort Klamath to represent him, and compel the Modocs to recognize the superintendent's authority, using all the force at his command to this end, and promising to reinforce him with Captain Perry's troop F. of the 1st cavalry, and also a detachment from Camp Bidwell, under Lieutenant J. G. Kyle, which would give him seventy-five cavalrymen in addition to Jackson's troop, making an aggregate force of 150 completely equipped cavalry. He directed him to proceed at once upon this duty, in every way sustaining the Indian department, but adding that nothing more than a show of military force would be required to awe sixty armed Modocs into submission. The consequence of not having made a sufficient show of such force is already known. Before Wheaton's order arrived at Fort Klamath the mischief had been consummated.

The moment that news of the disaster reached Camp Warner, Wheaton dispatched Perry's troop, by the way of Yainax, to join Jackson at Crawley's, and ordered Captain Bernard from Camp Bidwell, with all the men that could be spared from that post, to the same point, by the way of the southern emigrant road. Perry's company left Rigg's rancho, at the north end of Goose lake valley, on the night of the 3d of December, and Captain Bernard's troop left Bidwell, ninety-six miles from Crawley's, on the forenoon of the following day. Both were ordered to make forced marches, and not to wait for supply-trains, which would follow; and yet with all the haste that could be made, a week had elapsed, and ample opportunity afforded the Modocs to remove to any stronghold they might select, before reënforcements or supplies reached the camp at Crawley's.

In order to protect the roads between Linkville and other settlements, and the route to Yreka, which seemed the first and most important duty, Captain

Bernard's troop was stationed at Land's place, which was on the east shore of Tule lake, on the border of volcanic country popularly known as the lava beds, and which extended around the southern shore of the lake westward for fifteen miles. From Bernard's camp to that particular portion of the lava beds where the scout had discovered Captain Jack's band to be safely stationed, was about thirteen miles, the trail to the stronghold being over and among masses of broken rock of every size, and similar in character to that which had afforded the Pit Rivers their secure hiding-places when General Crook attacked them in the autumn of 1867. On the west side of the lava beds was stationed Perry's command, at Van Bremer's rancho, distant twelve miles from the stronghold, at the crossing of Cottonwood creek by what was known as Lickner's road, and not far south of the crossing of the Yreka road; while Jackson remained at Crawley's where Green had his headquarters.

As fast as transportation could be procured, the material of war was being gathered. The governors of Oregon and of California were called upon for aid by the citizens of both states, the war being almost equally in both. Governor Booth of California responded by sending arms and ammunition on the call of the settlers near the boundary, the arms being out of date, and the ammunition two sizes too large for the arms Governor Grover, requested by Superintendent Odeneal to furnish arms to the people of Oregon, responded by forwarding an immediate supply. The Washington Guard of Portland, Captain Charles S. Mills, tendered its services to the state, but were declined only because a company of volunteer militia organized at Jacksonville, and another company raised in Klamath basin had already been accepted; the former under John E. Ross, and the latter under O. C. Applegate. Applegate's company consisted of seventy men, nearly half of whom were Indians from the reservation, mixed Klamaths, Mo-

docs, Snakes, and Pit Rivers. They were occupied during the time the regular troops were massing their material, in scouting through the country, to prevent not only fresh outrages on citizens, but to intercept Jack's messengers and spies, whose visits to Camp Yainax were a source of some uneasiness.

Now that Jack had decided upon war, his great endeavor was to gain over the Modocs on the reservation as he had done the Hot Creeks, and in order to do this he employed threats as well as entreaties. Those who would not help him were to be considered his enemies, and killed as if they were whites. The Hot Creeks, being off the reservation and unprotected, were easily convinced that their safety lay in following Jack; the reservation Indians were differently placed. So long as they were loyal to their treaty obligations, they could demand the protection of the government. It was even for their interest to assist in putting down Jack, who they knew would scruple at nothing to carry his points, or to draw them into the trouble he was himself in. Sconchin and the most intelligent of the reservation Modocs understood this perfectly. At the same time there was always the possibility that Jack might carry out his threat to destroy the camp at Yainax, in which case trouble would follow, either through the conflict of the two bands, or through the reservation Indians being frightened into compliance with Jack's demands. Nor was compulsion alone to be feared, but the influence of the feeling of kinship, which is strong among the Indians. In order to guard against a surprise, the agency buildings were enclosed by palisades, and a guard maintained day and night.

When Canby received the report of the battle of the 29th of November and the subsequent slaughters, he ordered Colonel Mason, with a battalion numbering sixty-four men, to proceed to the Klamath country to join the command of the district of the Lakes.

On the evening of the 3d of December Mason left Portland by special train, accompanied by captains George H. Burton and V. M. C. Silva, and lieutenants W. H. Boyle and H. De W. Moore. On arriving at Roseburg, the roads being very heavy with mud and the transportation of baggage difficult, the remainder of the march to Jacksonville and over the mountains in rain and snow occupied nearly two weeks, so that it was past the middle of December when Mason reported to Green at Crawley's. It was not until about the same time that Wheaton, having recovered from his indisposition, reached Green's headquarters from Camp Warner by the way of Fort Klamath, where he found the supply of ammunition nearly exhausted by issues to the settlers on the day after the battle at Jack's camp, necessitating the sending of Captain Bernard with a detachment and wagons to Camp Bidwell for a supply.

Meantime neither the Indians nor the troops were idle. Captain Perry was still at Van Bremer's with forty cavalrymen. Colonel Ross, in command of the Jacksonville volunteers, was at Snell's place, near Whittles' ferry. On the 16th of December detachments from both companies made a reconnoissance of Jack's position, approaching it within a mile, and being led to believe that it could be surrounded so as to compel him to surrender. Of the strength of the Modoc position the military authorities knew nothing except by rumor up to this time, and had not yet learned definitely much. Few whites had ever visited this place, the access to which was extremely difficult. It was known that the lava beds contained an area of ten miles square, broken by fissures and chasms from ten to a hundred feet in width, many of them a hundred feet deep, and that it abounded in caves, one of which was said to contain fifteen acres of clear space, with an abundance of good water and many openings, the largest of which was of the size of a common door. There were places in the lava beds where grass grew

in small flats, the trails to which were known only to the Indians, and where their horses were secure. From the rocky pinnacles with which the region was studded, the advance of an enemy could be discovered five miles off, while from their secure hiding-places the dwellers in this savage Gibraltar could watch their approach within twenty feet. When the stores collected in the caves were exhausted, they could steal out through the winding passages, and watching their opportunity drive in the cattle found grazing outside the lava beds; or could in the same stealthy manner procure fish and fowl from the lake. Nothing could be stronger or better chosen than the Modoc position. Should ammunition fail them, they could still make arrows. Even in cold weather little snow fell in the lava beds, and that little soon melted away from the warm rocks. The reconnoissance revealed many if not all these advantages, and impressed all minds with the certainty that it would be by hard fighting that Jack would be dislodged. Among other things, it revealed the apparent necessity of using howitzers and shells to drive them out of their hiding-places, and terrify them. An order was accordingly sent to Vancouver for two howitzers, waiting for which occasioned still further delay and much impatience among the troops, both regulars and volunteers, the latter having enlisted for thirty days only, and the time being already half spent in comparative inaction. The weather was very cold, besides, and the state troops but ill supplied with blankets and certain articles of provision. Another difficulty presented itself. The volunteers being state troops had organized to fight in their own territory, whereas the Modoc stronghold lay just over the line in the state of California; but Wheeler and Green recognized and legalized the invasion of California by ordering Ross to pursue and fight the hostile Indians wherever they could be found, regardless of state lines.

Actual hostilities were commenced on the 22d of December by Jack's band in force attacking a wagon from Camp Bidwell, with a small detachment under Bernard, when within a mile of camp at Land's, on the east side of Tule lake. One soldier, five horses, and one mule were killed at the first fire delivered from an ambuscade. The sound of their guns being heard at camp, Lieutenant Kyle hastened to the rescue with nearly all the troops, only ten being mounted. Skirmishing was kept up throughout the day, the Indians being driven from one rocky ledge to another by the superior arms of the troops, the range of which seemed to surprise them greatly. Their object in attacking was to capture the ammunition in the wagon, in which attempt they failed, losing their horses, and four warriors killed and wounded. A bugler whom they pursued outran them, and made good his escape to Crawley's, when Jackson's troop was at once sent to the aid of Bernard, but before his arrival the Indians had retreated. About the same time the Indians showed themselves in small parties on Lost river, opposite the military headquarters, inviting the attack of the soldiers, and also on the mountain near Van Bremer's, where Perry and Ross were encamped. Evidently the apparent hesitation of the troops had given them much encouragement.

About the 25th of December Wheaton, who was awaiting the arrival of the howitzers and of ammunition from Camp Bidwell before making an attack on the Modoc stronghold, had as above mentioned ordered the Oregon volunteers to the front. Captain Applegate, anticipating an early engagement, and fearing what might happen in the event of the Modocs being driven from the lava beds without being captured, sent information of the coming battle to the settlers, and instructed them to fortify. The people in Langell valley nearest the stronghold, preferred going to Linkville; and while a party of five families were en route they were fired upon by Modocs concealed in

the rocky ridge near the springs on Lost river, twenty miles from that place, but were relieved and escorted to their destination by a scouting party. A supply train on its way from Fort Klamath to headquarters was also attacked, and a party of the escort wounded, being relieved in the same manner by the volunteers.

Applegate having transferred the case of Camp Yainax to Dyar, who with a guard of fifteen men proceeded to take charge, and watch over the friendly Modocs in case of a visit from the hostilos, hastened to join Green's forces at the front, where drilling and scouting continued to occupy the time. Green, who retained command of the troops, under Wheaton, was ordered to attack the Indians whenever, in his judgment, sufficient supplies and ammunition had been received, but not to attack until these had been furnished, and in the meantime to make frequent reconnoissances.

Green had never fought the Oregon Indians, and was confident that when his preparations were complete, he should achieve an easy victory. With the howitzers, and one snow storm, he said, he was ready to begin.

On the 5th of January, Captain Kelly of the volunteers, with a party of twelve men, and five Indian scouts, made a reconnoissance to look for a more practicable route than the one in use from Van Brimmer's, Green's headquarters, to the Modoc stronghold. On the way they came upon a party from Jack's camp of about twenty warriors, evidently upon a foraging expedition, who retreated toward camp on being discovered, and were pursued by the volunteers for three miles. When overtaken they had dismounted and fortified. The volunteers also dismounted, answering the fire from the rocks which soon brought to the rescue of the beseiged the remainder of Jack's warriors. The soldiers then retreated to an open field, followed by the Modocs, who, finding their position unfavorable for attack, returned to their stronghold.

A run by Applegate with twenty men, around Van Brimmer's hill, as the ridge between Van Brimmer's and the lava beds was called, revealed the fact that the Modocs used this height as an observatory whence they informed themselves of the movements of the troops. Scarface afterward said that Applegate's party passed within twenty feet of his hiding place, but he could not safely attack. On the 12th of January a scouting expedition, consisting of thirteen men under Perry, a few Klamath scouts under Donald McKay, thirty men, half of them Indians, under Applegate, and the whole under Green, made a reconnoissance to the lava beds from Van Brewer's, to ascertain the practicability of taking wagons to a position in their front. On the appearance of Green with Perry's detachment, the Modoc pickets fired on them from a rocky point of the high bluff, on the verge of the lava beds. Perry returned their fire, and drove the Modoc guard over the bluff, shooting one of Shacknasty's men through the shoulders. Applegate came up in time to observe that the Modocs were scattering in small parties to ascend the bluff and get on the flank of the troops, when he distributed his Indians along the bluff for a considerable distance, in the rocks, to intercept them.

Scarface, who was standing upon a high point in the lava beds, discovered the movement, and cried out in a stentorian voice to his warriors, "keep back. I can see them in the rocks." The Modoc guard then fell back half way down the hill, where they made a stand, and uttered speeches of defiance to the soldiers, and entreaty to their Indian allies, reproaching them for joining themselves to their natural enemies the white men. Captain Jack and Black Jim were very confident, daring the troops to come down and fight them on the lava beds. Hooker Jim said, once he had been a peace man, but was now for war, and if the soldiers wanted to fight, the opportunity should be afforded them. One of their medicine men then

made an address to the scouts, entreating them to join the Modocs, saying that if all the Indians should act in concert they would be few enough. Donald McKay answered them in the Cayuse tongue that their hands were red with the blood of innocent white people, for which punishment would surely fall upon them. Jack then said he did not want to fight Cayuses, but soldiers; and growing indignant, finally invited them to come and fight him, saying he could whip them all. The Klamaths asked permission to reply, but were checked by Green, who did not think the communication profitable to either side.

A retreat was ordered, it not being the intention of Green to fight on that day, and with so small a force. To this Applegate's Klamaths were opposed, saying that the troops had the advantage of position, and could easily do some execution on the Modocs. As the force of Green withdrew, Jack's men resumed their position on the high bluff, and Applegate's company being then on the summit of the second ridge wished to open on them, but were restrained, and the command returned to headquarters.

It was now the middle of January, and nothing had been done to relieve the public suspense. The settlers in Klamath valley remained in the fort. The road from Tule lake southward was closed. Fairchild and Dorris had converted their places into fortified camps. There was talk of other settlers being exposed, and of volunteer companies forming in some of the northern California towns to go to their assistance; in fact Mr Dorris had been selected to make personal application to the California governor in their behalf. But this functionary had other advisers, and had made or did soon make a recommendation to the government to set apart five thousand acres of land, in the vicinity preferred by Captain Jack, as a reservation for the Modocs; and implied at least that it was a desire for speculation on the part of the Indian department in

Oregon which brought on the war; a charge justly resented by the people of southern Oregon The government, however, declined to yield any further to the demands of Captain Jack or his intercessors.

On the 16th of January, everything being in readiness and the weather foggy, which answered in lieu of a snowstorm to hide the operations of the troops, the army moved upon Jack's stronghold. General orders had been issued on the 12th concerning the disposition of the troops, and the most perfect understanding prevailed as to the duty expected of every division of the forces. The regulars in the field numbered two hundred and twenty-five, and the volunteers about one hundred and fifty. The latter consisted of the Jacksonville company, the Klamath company, and Fairchild's California company of twenty-four sharpshooters who offered their services on the 16th.

At four o'clock in the morning Colonel Green, with Captain Perry's troops, moved up to the bluff on the south-west of Tule lake, to clear it of Modoc pickets and scouts, and cover the movement of the main force to a camp on the bluff three miles west of the Modoc stronghold, located so as not to be observed by the enemy. By three in the afternoon the whole force on the west side of the lake, consisting of Mason's battalion; two companies of infantry under Captain Burton and Lieutenant Moore; a detachment of another company, under sergeant John McNamara; the Oregon volunteers, commanded by General John E. Ross; two companies under captains Hugh Kelly and O. C. Applegate; Lieutenant Miller's howitzer battery; Captain Fairchild's sharpshooters—all but seven of the scouts, dismounted, and provisioned with cooked rations for three days, had been meanwhile encamped in a juniper grove, with a picket line thrown out along the edge of the bluff, and another around the camp.

Captain Bernard's force on the east side of the

lake, consisting of his own and Captain Jackson's companies, and twenty regularly enlisted Klamath scouts under Dave Hill, had been ordered to move up to a point not more than two miles from the Modoc position, to be in readiness to attack at sunrise; but proceeding in ignorance of the ground, he came so near to the stronghold that he was attacked and obliged to retreat with four men wounded.

The camp was early astir on the morning of the 17th. As the troops looked down from the high bluff upon the lava beds, the fog which overhung it resembled a quiet sea. They were to plunge down into this, and feel for the positions assigned them. Mason with the infantry occupied a position on the left of the line, resting on the lake, with Fairchilds sharpshooters flanking him; to the right of the infantry were the howitzers; in the centre General Wheaton and staff, Major General Miller and General Ross and staff; on the right of the generals captains Kelly and Applegate; and on the extreme right Captain Perry's troops, dismounted; Colonel Green in command of the whole. Descending the bluff by the narrow trail, surprised at meeting no Modoc pickets, the troops gained their positions in the order given about seven o'clock. Hardly had the line formed when the Modocs opened fire. It had been the design of Wheaton to move out on the right until Green's command met Bernard's in front of the Modoc position, when three shots should be fired by the howitzers to announce a parley, when Captain Jack would be given an opportunity to surrender. But to carry out this programme, it was soon discovered, was impossible. The Modocs were not to be surrounded in their stronghold and asked to capitulate, but forced the troops to fight for every foot of ground on the way toward it.

On account of the density of the fog—which now was found to be an obstacle instead of a help to success in reaching the central cave, the Indians having

the advantage of being familiar with the passages among the rocks, whereas the troops were obliged to scramble over and among them as best they could, at the risk of falling any moment into an ambush—the movement aimed at on the right was extremely slow. Nevertheless, it was steadily pushed forward, all caution being used, the men sometimes lying down and crawling prone over the rocks within a few yards of the Indians, who could be heard talking, but who seldom could be seen, though they were able to see through openings in their defences the approaches of the troops as far as the fog would permit.

The howitzers, which had been so much relied upon to demoralize the Indians proved useless so long as the enemy's position was concealed from view. The line, after advancing a mile and a half, was halted, and a few shells thrown, causing some excitement among the Modocs, over whose heads they passed, falling beyond Bernard's line on the east side of the stronghold; but through fear of hitting Bernard's troops the firing of the battery was suspended and Green pushed on the west line by a series of short charges another mile and a half passing over ravines running and sounding the war-whoop.

It is related by Applegate that Green, who during this advance carried one of his gloves carelessly in his hand, was frequently shot at by the concealed Modocs, who attributed his immunity from harm to some charm or "medicine" contained in this glove. They also shot at Captain Applegate and his brother Ivan who accompanied him, with similar results, from which they inferred these persons had received protection from a miraculous power, and that powder and shot were wasted upon them. The recklessness of Green was remarked upon by his command as well as by the Indians.

About one o'clock the extreme right of the line, which now enveloped the stronghold on the west and south, was brought to a halt by an immensely deep

and wide ravine which separated it from Bernard's line on the other side, and which strongly guarded the stronghold, being close at hand. Green at once saw that it could not be crossed without an immense sacrifice of life. A consultation with Wheaton and other officers led to a change of plan, and it was determined to move the west line by the left around the north side of the Modoc position, along the shore of the lake, connecting with the right of Bernard's force from that direction. An order was given to reorganize the line for withdrawal, which, owing to the difficult nature of the ground, was not understood by all the officers, and created a confusion which but for the all-enveloping fog might have resulted in a heavy loss.

"While we were charging down this ravine," writes Applegate, "I fell, probably from the effect of a shot. Recovering myself, I joined the line, jumped the cañon at the bottom, and took up position on a sage plain on the other side. Such a volley met us that the sage brush was mown down above our heads where we lay. Then came the order Look out for Bernard! The volley was from his line. While preparing to charge the stronghold, I saw the troops on the left withdrawing. I did not understand the movement, but kept place in the skirmish line. I saw a soldier fall, one of Perry's men, and took charge of him. On nearing the brink of the stronghold I found most of the troops had passed under the bluff, and the rapid firing gave notice that a severe conflict was going on there. A message was received from General Wheaton to report to headquarters for orders, which I did, and found that the regulars had already passed around to the north side of the lava bed to join Bernard, and that Wheaton wanted the volunteers to remain with the headquarters. I was ordered to take my men to the lake for water, after which I formed a line in advance of

headquarters in a series of crags parallel with the stronghold, and fought the Modocs as we moved.

"Hooker Jim was lying behind a wall of stone, appearing to command the Modocs on the left of the stronghold. His voice was known to the Indians with me; he was calling attention to the fact that the regulars were hopelessly separated from the volunteers, and that by moving around our right flank they could cut off our retreat. I sent Lieutenant Hizer to headquarters to report this. I then saw a signal-fire spring up behind Hooker Jim's position, and then another, three hundred yards to the west, and heard the war-cry repeated there, and knew the Modocs were making a movement to cut us off. I then went to headquarters myself and reported the situation. General Wheaton had made preparations to remain in a little cove on the shore of the lake over night, but now determined to return to the high bluff We could not safely have remained with only a hundred men, burdened with the wounded and artillery, and after fighting the Indians all night we should have been prevented getting to the bluff, and probably all massacred.

"On getting my report, General Wheaton ordered me to withdraw from the rocks and lead the retreat, Kelly to cover the rear, and to fall back four miles. I kept out a skirmish line to the left until the men were exhausted and falling. When it became so dark it became difficult to follow the trail, I put one of my Modocs on the advance as guide, who led us out to the top of the bluff. So suddenly was the movement effected that the enemy did not discover it. We reached camp at eleven o'clock, wearied to death."

The Modocs resorted to many devices to deceive the troops, such as wearing sage-brush fastened on their heads to conceal their movements, and setting up rocks of the size of a man's head on their breast-works to draw the fire of the soldiers, who shot hundreds of bullets before they discovered the trick.

By the time the volunteers, who during the skirmishing along the route had changed position with Perry's troop, reached headquarters, the regulars, who were now all in the advance, had made the connection by their left with Bernard, encountering a destructive fire as they passed between the stronghold and the lake, where was a ravine only less dangerous than that on the south side. A detachment of Burton's company of infantry and Fairchild's riflemen had pushed forward and taken position in a pile of rocks near this crossing to cover the troops as they passed. But, as Wheaton afterward expressed it, on their side there "was nothing to fire at but puffs of smoke issuing from cracks in the rocks," while every movement of a soldier was likely to be observed by the Modocs, who swarmed behind their well selected defences. The most of the troops passed by crawling over the rocks on their hands and feet, suffering terribly, but Burton's and Fairchild's companies were not able to extricate themselves until after dark. After passing the first ravine, Bernard, who could not be seen for the fog, called across a point of the lake to say that he was within four or five hundred yards of the Modoc position, and Green determined to join him if possible, and charge the stronghold before dark, but after advancing along the lake shore under fire from the overhanging cliffs, he found himself confronted with a deep chasm in Bernard's front so well defended that he had not been able to cross it all day, and had also to defend himself from a flank movement by the Modocs on his left. While in this discouraging position, the fog lifted, and a signal was received from the general.

The day was now well-nigh spent, and it was by this time evident that there was nothing to be gained, even with plenty of time, by exposing the volunteers to the same ordeal through which the regulars had passed. It was plainly impossible to capture the stronghold with the men and means at command. Wheaton therefore ordered the volunteers to remain

where they were, signalled Green to come into camp if he thought best, while he himself prepared to spend the night in a small cove on the shore of the lake.

But the Indians had observed the separation of the volunteers from the regulars, and were making preparations to surround them by getting between them and the high bluff where stores of ammunition and supplies had been left in charge of only ten men. Signal fires were already springing up in that direction, and other indications given of the intentions of the Indians. Upon this discovery Wheaton determined to fall back to camp, and again signalled Green of his change of plan, authorizing him to withdraw to Bernard's camp at Land's rancho, fourteen miles distant. The forces on the west side were all of Ross' command, a portion of Perry's troop, and the infantry reserve, separated by the fog from the main force during the flank movement. Just at dark the retreat to camp began, Applegate's company leading, the wounded with the artillery in the centre, Kelly's company and Lieutenant Ross' detachment skirmishing with the Indians in the rear. As night advanced the Modocs withdrew, and stumbling along the rocky trail the command on the west reached the camp of the night before about midnight, thoroughly exhausted.

But if they found a march of four miles under the circumstances exhausting, Green's forces were in a worse position. Fearing to expose his men a second time to the peril of passing the Modoc position, when night had fallen he commenced the march of fourteen miles over a trail fit only for a chamois to travel, carrying the wounded in blankets, or on the backs of ponies captured during the day. One of Fairchild's men, Jerry Crook, whose thigh-bone was shattered, rode the whole distance with his leg dangling. His comrades tied a rope to it by which it could be lifted out of the way of obstacles; but nothing could prevent frequent rude shocks from the rocks and bushes.

The sufferings of the wounded were horrible. Nor were they ended when they came to Bernard's camp, for on the 19th they were sent to Fort Klamath, seventy miles away, over a rough road, three miles of which were naked boulders. And there were others whose sufferings were agonizing to bear or to behold. It was not until between one and two o'clock P. M. of the 18th that Green's command reached camp. When a halt was called, the men fell asleep standing or riding. Their clothes were in shreds from crawling among the rocks; their shoes were worn away from their feet. If they had been a month in the field, they could not have looked more used up in every way. After making arrangements for the removal of the wounded to Fort Klamath under charge of Jackson with an escort of twenty men on the night of the 19th, Green and Mason returned to headquarters on the night of the 18th, attended by ten Indian scouts, taking the road around the north side of the lake.

The loss sustained in the reconnoissance—it was no more—of the 17th was nine killed and thirty wounded, including in the latter list Captain David Perry and Lieutenant John G. Kyle of the regulars, both wounded at the crossing of the ravine before the stronghold, and Lieutenant George Roberts of the California volunteer riflemen. The dead were left upon the field, or if alive when left, were soon despatched by the Indian women. There was no doubt that the army had suffered a total defeat at the hands of the Modocs, or that the army officers were surprised by it. Their utterances after the affair were very different from their confident predictions before the trial. "The difficulties encountered in moving to connect our lines by the lake side were very great," Wheaton reports, "the troops being hardly able to crawl over the sharp rocks and ledges that separate them, and at the same time fight a well-entrenched and desperate enemy, proverbially skillful as marksmen, and armed with good rifles. Bernard had been unable during the en-

tire day to advance across the gorge in his front; the movement toward his right was not accomplished until nearly dark, and sunset found the troops too much exhausted to render a night attack practicable. It was evident to all that we had not force enough to invest the enemy's position, or artillery enough to shell him out of it. . . . I have never before encountered an enemy, civilized or savage, occupying a position of such great natural strength as the Modoc stronghold, nor have I ever seen troops engage a better armed or more skillful foe."

"It is utterly impossible to give a description of the place occupied by the enemy as their stronghold," says Green. "Everything was done by officers and men that could be done; troops never behaved better. They contended gallantly with an enemy hidden by rocks, deep gorges, and fog; we tried it on every side with the same result." "I will leave it to others," remarks Mason, "to find language to convey an adequate idea of the almost impassable character of the country over which these operations were conducted, and which make the Modoc position a second Gibraltar." And Bernard says, "I have wished, respectfully, to say that the place the Indians now occupy cannot be taken by a less force than seven hundred men; and to take the place by an assault by this force will cost half the command in killed and wounded. A large force, well supplied, judiciously handled, moving at night by approaches, piling up rocks to protect themselves so they can operate during the day, may take the place. Howitzers could be effectually used on the east side of the lava beds."

No blame could attach to any in consequence of defeat. The soldier should have anticipations of victory, and a general should believe in his own skill. There had been no drawbacks; the officers had gone into the fight fully prepared, even to the fog which was to conceal their advance; and though this circumstance, or its constant continuance, was

mentioned as detrimental, there could be no doubt that it was a great protection to the troops, and that without it the loss would have been twice as great. All through the Indian wars there was no small jealousy between volunteers and regulars. In this instance Applegate was accused of doing nothing with his company when, in reality, he was preparing to charge the stronghold at the other end of the line when ordered to withdraw, and lost two of his men. Boyle says the Oregon volunteers were discouraged, and therefore failed to keep up the connection with the right of Perry, when the fact is that so far from being discouraged or reluctant to join Perry on their right, they had passed Perry and were on his right, and so far in advance of him that when the command was given to withdraw toward the left they did not hear it and were left behind. A portion of Perry's troop which failed to connect was excused on account of the fog. Boyle dismisses the volunteers with the remark that although there were a few brave men among the volunteers, notably, Captain Kelly and Lieutenant Ream, "their services did not remunerate the government for the rations consumed and the large amount of forage furnished their horses." Boyle, being quartermaster, may have felt the drain on his supplies; but as to the value to the government of anything that was done in the Modoc country about this time, there might have been grave question without casting slurs upon the people of Oregon.

For some reason, which could probably be explained in military circles, Boyle also blames Captain Bernard for the slaughter which occurred in passing the stronghold on the north, saying that he did not obey Colonel Green's order to advance his left and draw the fire of the Modocs while the troops were trying to make the connection with his forces; and this, although Green says in his report that he "sent Bernard with his troop to drive them—the Indians—back, which he did successfully." Bernard had more than his share

of the fighting to do, the Indians in front of him being in greater numbers than at any other point. In a desperate encounter, such as this one, the troops needed the inspiration of cool and confident officers; but Captain Jackson was so ill this day that, according to Bernard, he should have been in the hospital, "falling several times upon the ground from exhaustion." Doubtless his lieutenants behaved valorously, but it is plain that Bernard had his hands full, and that he received blame which should not have been accorded to him.

The loss on the side of the Modocs was unknown, but was not thought to be great. They were considered to be in as good condition for making sudden descents on the settlements as before the battle; and Applegate's company was sent to Lost river to protect those nearest to the stronghold. In fact they were scouting within six miles of Lost river on the 19th, when Lieutenant Ream with twenty-five volunteers was on his way to Bernard's camp with the horses belonging to Fairchild's company. They had captured the arms and ammunition of the fallen soldiers, which was considerable, as the troops were ordered to have one hundred rounds on their persons, and fifty rounds in close reserve. The time for which the Jacksonville volunteers had enlisted, thirty days, had expired on the 6th, the prospect of a battle only having detained them beyond that time; and as they had left their homes and business without preparation, at a moment's warning, they were now anxious to return. The possibility that the result of the battle of the 17th might cause an excitement on the reservation, rendered the presence of Captain Applegate at Yainax desirable.

In consideration of these circumstances, General Wheaton, on reaching Van Brimmer's, sent a dispatch to Portland by the way of Yreka, asking General Canby for three hundred foot-troops and four mortars, and suggesting that the governor of California be

called upon to send volunteers to protect that portion of his state open to incursions from the Modocs. To this demand Canby responded by ordering two companies of artillery and two of infantry from the department of California, and one of artillery and one of infantry from the department of the Columbia; and, as the inhabitants of Surprise valley apprehended an uprising of the Snakes on account of the Modoc excitement, a company of cavalry was sent to their protection, making the number of troops, when the reinforcements should arrive in the Modoc country, six hundred exclusive of the garrisons at the several posts in the district of the Lakes. But even with these, the country being in parts inadequately guarded, the general sent a recommendation to army headquarters at Washington that conditional authority should be given him to call upon the governors of California and Oregon for two companies of volunteers from each state.

On the 23d the encampment at Van Brimmer's was abandoned, the troops and stores being removed to Lost river ford, where a permanent encampment was made, and where preparations were carried on for renewing the attack when the reinforcements should arrive. These preparations consisted in constructing two mortar boats with which to attack from the lake-side, while attacking at the same time from the land, surrounding and battering down the stronghold—a plan which, had it been suffered to go into execution, would have put an end to the Modoc war.

But now occurred one of those blunders of administration which have periodically marred our Indian policy

On the 30th of January General Sherman was directed by the secretary of war to notify General Canby by telegraph that offensive operations against the Modocs should cease, the troops being used only to protect the citizens and repel attacks. The explanation soon followed A peace commissioner was to under-

take to accomplish what the military had failed to do —conquer the obstinate hostility of the Modocs and obtain their consent to go upon some reservation, if not upon that one where by the terms of treaty they belonged.

But if Wheaton was surprised at this wholly unexpected change of policy, he was equally mortified at being relieved of his command at the same time by Colonel Alvan C. Gillem of the 1st cavalry. Nor was the dissatisfaction on this account confined to himself, but was shared by most, if not all, of his officers, and the state authorities and people as well.

That Canby regarded the change of policy as a reflection on himself also, seems to be indicated by his telegram to Sherman, in answer to the new order from the president and war department. He said that hostilities with the Modocs could not have been avoided, as they were determined to resist, and had made their preparations; that he had been solicitous that they should be fairly treated, and had taken care that they should not be coerced until their claims had beer decided upon by the proper authority; having done that, he now thought they should be treated like any other criminals, as there would be no peace on the frontier until they were subdued and punished. Two or three months later the government was prepared to acknowledge Canby's good judgment.

Sherman replied to Canby protest: "Let all defensive measures proceed, but order no attack on the Indians till the former orders are modified or changed by the President, who seems disposed to allow the peace men to try their hands on Captain Jack." How significant of his opinion of what was going on at Washington is Sherman's dispatch! In the meantime the President and Secretary Delano had an interview with Secretary Belknap, after which Delano informed the secretary of war that he had decided to send to the scene of the difficulties a commission consisting of three persons, with instruction to ascertain

the causes which led to the existing hostilities, and the most effective measures for preventing their continuance. The Secretary of the Interior further gave it as his opinion in the instructions, that it was advisable to remove the Modocs to some new reservation, presumably the Coast reservation; and directed the commissioners to endeavor to get their consent to be placed there, unless in their judgment some other place should be better adapted to accomplishing the purpose of the department to make peace. The commissioners were directed not to interfere with the military, otherwise than express a wish that no unnecessary violence should be used toward the Modocs, whose confidence the government desired to obtain, and their voluntary consent to whatever regulations might be made.

As the chairman of the commission, Meacham, had to come from Washington, some time must elapse before the object for which it was organized could be accomplished, or the business begun. This interval was not without its exciting episodes. Between the 17th of January and the 4th of February, eight Modocs had been killed, as many wounded, and nearly all their horses captured, their principal loss occurring on the 25th of January, when, emboldened by their late victory, they attacked the rear guard of Bernard's train while moving camp from the southeast corner of Tule lake to Clear lake. They captured one wagon, when Bernard returned and fought them. No losses were sustained by the troops. The capture of their horses was a serious blow to the Modocs, who were thus deprived of the means of making their predatory excursions into the surrounding country, either for purposes of attack, or to procure subsistence.

Being shorn of a part of his strength, Captain Jack resorted to his native cunning, and allowed it to be said that he was tired of war. A constant communication was kept up between Jack's camp and the Ind-

ian women living with white men in Siskiyou county, the latter visiting the lava beds and carrying information. Soon after the battle of the 17th, and about the time of Bernard's last skirmish, an Indian woman from Dorris' made a stolen visit to Jack's camp, bringing back with her when she returned another Indian woman named Dixie, who conveyed a message to Dorris and Fairchild from Jack, requesting them to meet him for a conference, at a place appointed, where they might come unarmed, without being molested. Dixie brought the further news, that on the 18th a quarrel had occurred among the Modocs because Jack and Bogus Charley had not fought on the day of the battle, and that in the difficulty Jack had been shot through the arm, all of which was intended to create the belief that there was a peace party among the Modocs, of which Jack was the head.

This familiar phase of Indian diplomacy did not deceive anyone; but Fairchild being anxious to converse with Jack, if indeed he wished to have a conference, went out to the bluff overlooking the lava beds, and sent Dixie to inform Jack that he would see him there, and that should he come he would not be harmed; but Jack refused to leave his camp. After sending messages back and forth for some time, Jack offered to come half-way, a proposition declined by Fairchild, who finally sent word he would receive him at his camp on the bluff anytime up to the evening of the 1st. Jack, however, did not come; and it was believed by many that he had only made an effort to get Fairchild into his power, while others thought he really desired peace, but was afraid to risk being captured. Whatever his motives were, a scouting party of his men, after a quiet interval of two weeks, ventured out and burned the house of Denis Crawley, made historical by the events of the 29th of November, and escaped again to their caves, though pursued by the troops.

Meantime the forces ordered to the Modoc country

by Canby were slowly collecting, embarrassed by the difficulty of moving in midwinter. Gillem proceeded to Yreka, where he was met by Major Throckmorton from San Francisco, with his infantry command, and together they pushed forward to Van Brimmer's through a heavy snowstorm, the troops having marched all the way from Redding. A company had been ordered from Camp Gaston, which was compelled to march fifteen days in severe weather before arriving at Yreka. The transportation of supplies was even more difficult than moving troops, though it went steadily on.

On the 3d and 4th of February the Oregon volunteer regulars mustered out. There were at this time 200 men at Wheaton's camp on Lost river, and 100 at Bernard's new camp at Applegate's on Clear lake, while Perry's company was divided between Dorris', Fairchild's and Small's places for their protection. The artillery and other troops were still en route; but there were men enough in the immediate vicinity of the Modoc stronghold to prevent any very open demonstrations on their part had it been their intention to make them. On the 4th of February Gillem took up his headquarters at Van Brimmer's, as being nearer the telegraph station of Yreka, soon after establishing a tri-weekly line of couriers to and from that place. While these preparations were making for war, the commissioners who were to bring about a peace were also on their way to the front.

When the people most interested in all these proceedings learned that an effort was to be made to coax the Modocs to accept peace and the reservation of their choice instead of punishing them, there was a general feeling of indignation, and the grand jury of Jackson county on the 14th of February indicted eight of Jack's band as being guilty of the slaughter of the 29th and 30th of November on the evidence of Mrs Brotherton and her son who identified them. This step was taken in order to forestall the possible

action of the peace commission in removing them beyond the reach of the laws. The sentiment of the sufferers by the Modoc outbreak, and those best informed upon the subject, was that it was an insult to the state, and an outrage upon individuals for the government to open this door of escape for Jack and his band.

The commissioners appointed by the government to conduct the negotiations with Captain Jack were at first A. B. Meacham, L. B. Odeneal, and J. H. Wilbur; but Meacham refusing to serve with either of these men for personal reasons, Jesse Applegate and Samuel Case were substituted. Canby was advised of the appointments, and also that the commissions were instructed to meet and confer with him at Linkville on the 15th of February. The commission was not, however, organized until the 18th, owing to the failure of Meacham to arrive on the day appointed. There was a general feeling that the commission would be a failure, a fact which was acknowledged by its chairman while yet at Yreka, in a telegram to Washington, conveying the intelligence that Governor Grover had filed a protest with the board against any action of the commission which should purport to condone the crimes of the Modocs, who should be given up and delivered over to the civil authorities for trial and punishment; and insisting that the commissioners could have no power to declare a reservation on the surveyed and settled lands of Lost river any more than on the settled lands in any other portion of the state. To this protest, which was forwarded to the secretary of the interior, Delano returned answer that the commission should proceed without reference to it; and that if the authority of the United States was defied or resisted, the government would not be responsible for the results, and the state might be left to take care of the Indians without assistance from Washington.

To this somewhat insolent message the people could

only reply by still protesting. The commissioners, under the orders of the government, repaired to Fairchild's rancho in order to be nearer Captain Jack's headquarters, as well as to be placed in earlier communication with army headquarters and with Washington by means of courier and telegraph, and commenced their labors. On his way to Fairchild's, at Yreka, Meacham expressed the opinion in public that Jack was an honorable man, and would go upon a reservation if requested by him to do so; but in his dispatches to Secretary Delano he was less hopeful. A messenger was immediately sent to Whittle's ferry to secure the services of Bob Whittle and his Indian wife Matilda in carrying on negotiations with Jack. Pending the result of Matilda's interview with Jack, she having been sent to solicit a conference between the Modocs and the commissioners, the board entered upon an investigation, so far as they were able, of the causes of the present attitude of the Modocs toward the government and the people of Oregon.

On the 21st of February, the chairman telegraphed to the acting commissioner of Indian affairs at Washington, that his messenger to Jack had returned bringing the intelligence that the Modocs were expecting some one to come to them with a message; that they were tired of living in the rocks, and desired peace; were glad to hear from Washington, but did not wish to talk with anyone who had been engaged in the war; and that if Case and Meacham would meet them outside the rocks they should not be harmed. That was not, however, what was reported to the commission by Bob Whittle, who said that the Indians, twenty in number, met him accidentally a mile and a half from camp. The two parties advanced within 100 yards of each other, dismounted, and laying down their arms, went forward and shook hands. Jack and Sconchin, with seventeen armed men, soon came up, and dismounting, also shook hands. Whittle then made known his errand, and Jack consented

to a conference if Steele and Roseborough, of Yreka, and Fairchild should be present, but declined to meet the commissioners, saying that though their hearts might be good they were unacquainted with them, and desired their friends to be present.

The president had already anticipated their wishes, and by the advice of Canby appointed Roseborough as one of the commissioners; and in company with Steele, who, it was thought, would be useful in communicating with the Modocs, the new commissioner was on his way to the front, when a second interview was had with Captain Jack. At this meeting, on the 24th of February, Whittle was met a mile from the lava beds by a party of forty Modocs heavily armed, carrying needle guns, but declaring that they had no disposition to fight, and only wanted peace. Jack boasted to Whittle that he was not yet so thoroughly incensed as he might be, and pointed in evidence to the fact that the houses of Dorris, Fairchild, Van Brimmer, Small, and Whittle, were yet standing; saying again that he would consent to talk with Steele, Roseborough, or Fairchild. No propositions on either side were made for peace, negotiations of this character being left to be considered in general council, should a council be arranged. Meantime Jack was growing impatient, and expressed a desire to have the meeting with the commissioners over. A Modoc named Dave returned to the camp of the commissioners with Whittle, and on the following day took a message to Jack that Fairchild would visit him on the 26th to arrange for the council.

Accordingly, on that day Fairchild visited Jack, accompanied, not by Whittle and Matilda, but by Riddle, and his Indian wife Toby, as interpreters. He was charged to tell Jack that the commissioners would come in good faith to make peace, and though he, Fairchild, could not give them the terms, he would fix upon a place and time of meeting, and whatever he agreed to would be accepted. But Jack would

not consent to come out of the lava beds to hold a council, nor would Fairchild agree that the commissioners should go unarmed into the lava beds. Fairchild therefore returned without having come to any arrangement; and with him came several of the worst of Jack's band, Hocker Jim, Curly-headed Doctor, and Shacknasty Jim, who wished to make terms with Lalake, the old chief of the Klamaths, for the return of a band of sixty horses which the Klamaths had taken from the Modocs during the war, and which Lalake now promised to restore. No one had any authority to interfere or to prevent the Modocs thus supplying themselves with horses, while pretending to be waiting to make peace with the agents of the government.

On the arrival of Roseborough and Steele the board of commissioners met, when the terms of peace which should be presented to Jack were discussed. The discussion resulted in offering a general amnesty to all Modocs, on condition of their full and complete surrender, and consent to remove to a distant reservation within the limits of Oregon or California; all commissioners voting for these terms except Meacham. Fairchild was also instructed to say that Canby would make peace and conclude terms, Meacham also dissenting from this proposition.

With these instructions Steele proceeded, on the 5th of March, in company with R. H. Atwell, a newspaper reporter, Fairchild, and the interpreters, Riddle and his wife Toby, to the Modoc stronghold, and had a conference with the head men concerning the acceptance of these propositions of the peace commission. Captain Jack gave his consent to the terms offered, and as Steele supposed accepted for his band, though there was evidently some dissatisfaction on the part of a portion of his men. As Steele had but little knowledge of the Modoc language, and as Jack spoke no English except a few English names of things, Steele was deceived as to the real import of

what was going on, and misunderstanding Jack's professions of peaceable intent, fully believed he had bound his people to surrender to the government and accept its mercy. The mistake seems to have been a singular one, inasmuch as Riddle and his wife were the best of interpreters, and both Steele and Fairchild familiar with Indian manners; besides which, Scarface could speak English, and probably some of the others.

On returning to headquarters Steele reported that peace was made; the Modocs accepted. An immediate feeling of relief was experienced by the commissioners, who set about preparing despatches and summoning couriers, when Fairchild declared there was a mistake in the report; the Modocs had not agreed to a surrender and removal. So confident was Steele that he had understood Jack correctly that he proposed returning and having a second interview. Fairchild, equally positive there had been a misunderstanding, and fearing the effect when Steele's report became known to the Modocs, declined to expose himself to their rage. Meacham, in view of these conflicting opinions, cautiously reported that he had reason for believing an honorable and permanent peace would be concluded within a few days, at the same time so guarding his statements as to commit himself to no particular theory.

This caution was well timed, as the result of Steele's second interview proved. On returning to the cave the same evening, he found the Indians much excited, by what it was difficult to tell. Hooker Jim and the others who visited the camp at Fairchild's might have been alarmed by stories received from go-between Indian women and vicious white men; this was the view adopted by the friends of the Modocs. But there were other circumstances that looked like premeditated deceit and treachery. The Modocs had been reënforced by twenty warriors, though Captain Jack still professed peace principles. Sconchin was openly hostile, and professed great anger at the pro-

posal to surrender, rejecting emphatically all offers of peace. Even Steele, whose confidence in the Modocs was so great, was alarmed. That night he slept in the bed of Scarface, who sat beside him until morning to protect him from the bloodthirstiness of others.

In the morning Jack wore instead of his own a woman's hat, and Sconchin, as on the previous evening, made a war speech, violent in tone and manner. When he had finished, Jack threw off his woman's hat and hypocrisy together, and made a very determined war speech, declaring that he would never go upon a reservation to be starved. When told by Steele of the power of the American people, and the futility of resistance, he listened with composure, and then replied, "Kill with bullets don't hurt much; starve to death hurt a heap!"

He referred also to the punishment inflicted on his people when he was a boy by the Yreka volunteers under Ben Wright, and having made as strong a case as he could to justify his actions plainly defied the power of the United States. As much in sympathy with them as was Steele, he was glad to be permitted to return to Fairchild's on the morning of the 4th of March. No full report of this interview was ever made public. It was understood that the peace commissioners offered amnesty to all the Modocs who surrendered as prisoners of war, to remove them to Angel Island in San Francisco bay, and feed and shelter them until a reservation could be found for them in a warmer climate, presumably in Arizona. They were to be comfortably clothed and sheltered where they were until conveyed to Angel Island, and Canby offered to secure permission for Captain Jack to visit the president of the United States in company with some of his head men.

These offers were, to the comprehension of Jack, but signs of weakness. Why should Canby and the commissioners extend forgiveness to an enemy if they could kill him? Such an offer could only proceed

from a conviction that the Modocs in their caves were invincible; or otherwise the proposition must be a trick to get them out of their stronghold. Jack made a counter proposition, to be forgiven and left in the lava beds. He had only twenty-three warriors, he said, forgetting that on the previous evening Steele had seen sixty-nine at the council. He wanted Meacham and Applegate, with six men, unarmed, to come on the following day and shake hands with him in conclusion of a peace.

On returning from this interview Steele advised the commissioners to cease all negotiations until the Indians should themselves solicit terms; that the Modocs thought the white men were afraid of them, and carried on negotiations solely in the hope of getting Canby and Gillem, Meacham and Applegate in their power, in which event they could certainly kill them. As for himself he would not take the risk again of going to the Modocs.

The second report of Steele produced a decided change in the prospects of the commission, and Meacham at once telegraphed Delano that the Modocs rejected all offers, and that their proposal to meet in full force two of the commissioners and six men, unarmed, in the lava beds signified treachery; that the commissioners were still willing to meet the Modocs, but not on their terms; that the Indians had been reënforced from some source; that protection had been offered to all who would come out of the lava beds; but that the commission was a failure and he waited for instructions.

To this candid statement Delano telegraphed that he did not believe the Modocs meant treachery; that the mission should not be a failure; that he believed he understood the unwillingness of the Modocs to confide in him, and that negotiations should be continued. How the honorable secretary came to know so much my authorities do not say. Canby telegraphed to Sherman on the 5th that the reports from

the Modocs indicated treachery and a renewal of hostilities. In reply Sherman said on the 6th that the authorities at Washington confided in him but not in the commissioners, and placed the matter in his hands.

While the negotiations with Jack had been in progress the commissioners were engaged in examining, according to the instructions of the Secretary of the Interior into the cause of the war. On the 22d of February their first report was formulated, in which was recited all the alleged wrongs of the Modocs, as already known to the reader of my general history, dissatisfaction with the Klamath reservation as a place of residence, owing mainly to the domination of the Klamaths and ill treatment by the agents. With reference to these charges, the commissioners remarked that concerning the latter complaint it was well founded; they were satisfied the fault lay in the treaty, and not in the conduct the agents and employés of the reservation. If food and clothing had been insufficient they had nevertheless been impartially distributed. No indulgences had been granted to one tribe or band not extended to all; and while the Klamaths, Snakes, and Sconchin's band of Modocs were contented, Jack and his followers alone found cause to justify a refusal to perform their treaty stipulations.

Out of this refusal had grown the causes which led to the war; the assertion by the Modocs of a right to a country which they had conveyed by treaty to the United States, and which was subsequently settled upon in good faith by citizens of Oregon; their persistence in roaming over, and refusal to abate their pretensions to, this country, treating the settlers as their tenants, and committing acts which must inevitably lead to collision between the races. Then followed the attempt to compel them to go where they belonged —an attempt ordered by the Indian department at

Washington—and their resistance. These were the causes which led to the war, as found by the commissioners.

Their instructions also required them to devise the most judicious and effective measures for preventing the continuance of hostilities, and for the restoration of peace. The findings upon this question were rather negative than positive. The commission decided that in any settlement of the existing hostilities it would be inadmissible to return them to the Klamath reservation, or to set apart a reservation for them on Lost river, or anywhere in the vicinity. They objected, also, to a peace on the basis of a general amnesty, which would bring the federal and state governments in conflict, and furnish a precedent calculated to cause misconduct on reservations, besides greatly offending the friends and neighbors of the slain settlers. It was their opinion that the eight warriors indicted in Jackson county should be surrendered to the state authorities if demanded, though the government should assign them counsel for defence, and secure them an impartial trial, protecting them from lawless violence. Should the terms which the commission would submit to the Modocs be accepted, namely, a general amnesty, with the exception of the eight warriors, and removal to a new reservation far away, they should be taken away at once to some fort, other than Fort Klamath, where they could be protected and kept under surveillance until their final destination was decided upon.

The reasons assigned for these conclusions were that although before the 29th of November it might have been practicable to have assigned the Modocs a reservation on Lost river, the events of that day rendered such a proposition absurd, even had not the previous misconduct of the Indians made it impolitic. There could be no real peace with the Modocs in that vicinity. On the Klamath reservation there could be scarcely less cause of conflict, since the Klamaths had

taken part in the war against the Modocs. The Klamaths themselves would object to having the reservation made a penal colony for thieves, with whom they were expected to live on terms of equality. The objections to a general amnesty were founded upon the history of the Modoc rebellion from first to last, culminating in resistance to United States authority, and the slaughter of settlers. To the report of the commissioners Canby gave his approval, with the exception that he held the opinion that the Indians by surrendering as prisoners of war would be exempt from process and trial in either Oregon or California. From this opinion Roseborough dissented, but thought neither state would attempt to punish the warriors if satisfied they would be removed to some distant country beyond the possibility of a return. This was so far as the people of California were concerned, who seemed to have more sympathy for the Modocs than for the suffering settlers. But the people of southern Oregon were extremely sensitive on the subject of a general amnesty, and expressed themselves in a manner that was construed by the Modoc apologists to mean general bloodthirstiness on their side. It is not unlikely that representations to that effect found their way to Washington through other avenues than the California newspapers, and that the secretary of the interior feared the effect of such utterances upon the members of the commission; hence the authority given to Canby to select two other commissioners to fill the places of Applegate and Case, resigned. That Applegate would have resigned had not his relatives been impugned by the allegations of Captain Jack, into which inquiry was ordered to be made, is rendered probable by his separate report made on the 9th of March.

"The commission appointed to examine into the causes and bring to a conclusion the Modoc war, having concluded its labors," writes Jesse Applegate, "it was agreed that each member should submit his

own views and opinions of the subject as a final report. In pursuance of which agreement I submit the following opinions: 1st. The causes leading to the war were the dissatisfaction of Captain Jack's band of Modocs with the provisions and execution of the treaty of October 14, 1864, and refusal to abide thereby. To what extent wrongs justified resistance, the commission, having no power judicially to investigate, cannot say. 2d. The immediate cause of hostilities was resistance by the Indians to military coercion. 3d. Unconditional surrender of the Indians, and the trial and punishment of the guilty by the civil authorities, would have been more satisfactory to the whites, and a better example to the Indians, than more lenient conditions. 4th. Terms of surrender were offered the Indians to save the further effusion of blood, and secure a permanent peace by the removal of the whole tribe out of the country; a result scarcely to be hoped for by continued hostilities. 5th. The terms agreed to by the commission were suggested and must be carried into effect by the military. A commission to negotiate a peace was therefore unnecessary. 6th. A commission to inquire into the causes of the war should be composed of men wholly disinterested in the findings of the commission, directly or indirectly, and clothed with full power to investigate. 7th. Some of the personnel of this commission being obnoxious to the Indians, it was a hindrance to negotiations. Having no power to administer oaths, or send for persons or papers, and the official acts of the chairman to be reviewed, its findings must have been imperfect and unsatisfactory in regard to the causes of the war. I therefore consider the commission an expensive blunder." Mr Applegate's compensation had been fixed at ten dollars a day, and expenses; but with that chivalrous independence which ever characterized the man though accepting the service he declined the pay.

From the 6th of March, it might be said that no

peace commission existed. Everything was in the hands of General Canby, who was the representative of the military power in Oregon. As if Jack had anticipated something of this kind, and feared hostilities would be recommenced before the end for which he was now scheming could be accomplished, on the day following Steele's final visit to the stronghold he sent his sister Mary to Canby, to say that he accepted the terms offered on the 3d of present protection and support and removal to a distant country; asking that a delegation of his people might be permitted to accompany the government officers in search of a new home while the remainder of the band waited under the protection of the military. He likewise proposed that his surrender should take place on Monday, March 10th. To this proposition Canby assented, informing Mary that Jack, and as many of his band as were able to come, would be expected that evening, or the next morning, and that wagons would be sent to the edge of the lake to bring in the others on Monday; also that if Jack did not come the matter would be referred to the military. But Jack did not come as expected on Thursday evening. Messengers were sent, instead, saying that the Modocs were burying their dead, and could not yet leave the lava beds, but would do so soon.

When Mary came the second time, she brought the following messages from Jack and Sconchin, in reference to the threat of Canby to send the troops unless Jack and the head men came at once. Sconchin said, "I have heard the talk they have sent. I don't want to fight any more. I don't want to shoot any more soldiers, and I don't want any soldiers to shoot my people. I have but a few men, and I don't want to fight with more men than I have got. I didn't think the peace commission would get mad so quickly, or the soldiers. The talk looks as if they were mad. I want to live in peace. I don't want to go anywhere to fight. I want to live in my own house, and I want

to live in peace. I want to know what officer got mad so quickly. There are only two head men of us, and we didn't get mad; we wanted to live in peace. Do they want to come and shoot us again? I don't want to shoot anyone, and I don't want anyone to shoot my men. I have thrown away my country, and now I want to go away and hunt another. I thought they were to come and take me away at once. I wanted time to take my people, some of them are sick, wouldn't be able to go away at once; and I don't want them to go to killing them again. I have got all my people to say yes, that they are willing to go, and not talk bad any more. I don't want this country any more—I want a warmer country. I explained this to my children, and they all say yes and sanction it. I want to remain a little while. Some of my people are sick and can't go, and then the military can go with them."

Jack said: "I am very sad. I want peace quick, or else let the soldiers come and make haste and fight. I want to stay here a little while, so that my people can get ready to go. I say yes to going to a warmer country; and this is the first time I have said yes. I don't want my people shot. I don't want my men to go with guns any more. I have quit forever. I have buried the past, and don't want to be made answerable for the past. I have heard that they wanted to shoot me. That would be like shooting an old woman. I want to talk good words only. I don't want to shoot or be shot. I don't want anyone to get mad as quick as they did before. I want to live in peace. I want to go and see my people on the reservation. My mind is made up to say yes. I have a good heart, and want no mistake made this time, to live with good heart and talk truth. I have no paper men, and can't write on the papers. The papers called me bad, and lied about me. If they don't lie to me I won't lie to them. I want to give up shooting. I never have been out since I came on here. If they had come I would

have shot them. I never have seen any white men except those who came here. I want Fairchild and Riddle, and anyone else willing to come out. I want to see my people at Yainax. I have thrown away my country, and unless I go I never expect to see my people again; and then I want to go to town, and then I will go away and never expect to return. I want to see what they have to say. My mind is made up, and I have little else to say. They have got my heart now, and they must look after it and do right. I am nearly well and have a good heart now. I expect Mr. Meacham is very sick and couldn't come. I am nearly well, but am afraid on account of the soldiers on the road. There are so many soldiers around. There are soldiers on Lost river, on Clear lake, and Bernard's soldiers. Wouldn't they be afraid if they were in the same situation? I want to see their head men who never have been here. I have heard of so many soldiers coming I was afraid. When they visited me they laid down and slept and were not pestered. I had a bad heart yesterday morning when Mr Steele left here, to think that he would not come back or believe me. If I knew the new country I would go out when he came in. I want to visit my people, then the new country, and want the peace commission to go with me and show it to me. I wish to live like the white men. Let everything be wiped out, washed out, and let there be no more blood. I have got a bad heart about these warriors. I have got but a few men, and don't see how I can give them up. Will they give up their people who murdered my people while they were asleep? I never asked for the people who murdered my people. I only talked that way. I can see how I could give up my horse to be hanged, but I cannot see how I could give up my men to be hanged. I could give up my horse to be hanged and wouldn't cry about it; but if I gave up my men I would have to cry about it. I want them all to have good hearts now. I

have thrown away everything. There must be no more bad talk. I will not. I have spoken forever. I want soldiers all to go home. I have given up now, and want no more fuss. I have said yes, and thrown away my country. I want soldiers to go away, so I will not be afraid. When I go to Yainax I don't want to come back here, but want to go to town, and then to the new country. I wanted to go to a new country and not come back any more to see my people; that is why I wanted to go to Yainax. I want to see how many of my relations would go with me. I feel bad for my people in the lava beds. I would cry if I did not see my people at Yainax. I don't know the new country, and they wouldn't know where they were. I know no country but Shasta and Pitt river. But I say yes, and consent to everything and go away. I don't want to live here any more, because I can't live here any more in peace. I wish to go to the southern country and live in peace. I want my people to stay here till I and some of my head men go and look at the new country. I want Riddle and some others to go with me. I want clothing and food for my men. I want it given to them here. I don't want them to think I am deceiving them. I want my people to be taken care of while I am looking for the new country. I want to know where they can stay and eat when I am gone. I want to stop with Fairchild. I want to know if they got mad at me so quick because I could not believe them at once. I could not come; I had but two horses, and the Klamaths took my good one. I have no saddle, and my horses have been ridden so much they are not fit to ride. I am a chief; am proud; am ashamed to ride a poor horse. I understand their talk now. It seems now that I have been with them, and talked with them and seen them. I talk with my mouth. They have paper men to write down what I say. I want Fairchild to come tomorrow to see me. Mary has brought back good

news. I want to see them as bad as they want to see me. I don't want Fairchild to be afraid to come out with Mary. I want and hope Mary will come back with message and say yes, just as I have done."

Toby Riddle, who interpreted the messages sent by Jack and Sconchin, and who saw through their sinister meaning warned Canby of treachery. And read now, in the light of subsequent events, their intention is plain. Stripped of iteration and verbiage, the messages, while pretending to be for peace, were cunningly arranged to hide a deep-laid scheme. Sconchin affected surprise that the commissioners were so soon offended by the faithlessness of the Modoc leaders, and inquired the name of the officer who was so impatient. Jack wanted peace or war at once, but preferred peace. He promised not to lie to the commissioners if the white men who were sent to him would tell the truth, he of course to be the judge. He was tired of being confined to the lava beds by soldiers on every side of him, and wanted liberty to go to Yainax and to Yreka; after which he would consent to look up a new country for his people, but wished the principal military officers and the peace commissioners to accompany him, while all his people but those he should select to accompany him should be allowed to remain in the lava beds, having first received food and clothing to make them comfortable during his absence. He did not like the demand that he was told had been made for the surrender of the murderers, saying that he had never made any such demand of the white men for killing his people; and proved his magnanimity by the fact that Steele and the intrepreter had slept unharmed in his camp. He was surprised and angry that Steele had not trusted him enough to return again, and wanted Fairchild to come and see him. Though there were profuse professions of a desire for peace, there was little in Jack's message to indicate any degree of humility. On the contrary, the terms, if complied with, would

leave him master of the situation—the soldiers withdrawn, his people clothed and fed, and allowed to remain on Lost river, while he went forth free.

In spite of these significant demands of the Modoc leaders, Canby, who had been forced into a position where he felt that he must vindicate the power and the righteousness of the government, as well as his own ability as a representative of both, proceeded with the preparations for receiving the Modocs on the 10th. Tents were put up to shelter them, with hay for beds, new blankets, and plenty of food and firewood, besides many articles of convenience and even of luxury for the leaders. Four wagons, under the charge of Steele and a teamster named David Horn were dispatched to the place agreed upon, at Point of Rocks on lower Klamath lake, where they expected to find Jack and his party. After waiting for several hours and no Modocs appearing, Steele returned to Fairchild's and reported the failure of the expedition.

After this breach of faith, Meacham telegraphed the commissioner of Indian affairs at Washington that every honorable means to secure peace had been exhausted; that the Modocs broke every promise, and offered terms that were entirely inadmissible; that messengers were unwilling to return to their camp; and intimated that he considered the mission of peace as closed, but awaited orders. He received from the Secretary of the Interior an order to submit his telegrams thereafter to General Canby for approval, and in all proceedings to be governed by his advice until further directed by the department.

In the meantime Canby had telegraphed that although the Modocs had failed to keep their appointment, and some movement of the troops might be necessary, simply to keep them under close observation; he did not regard this last action as decisive, and should spare no efforts to bring about the result desired. With this the secretary was better pleased,

and in a note to the Secretary of War commented on it warmly in contrast with the expressions of the chairman of the peace commission. Sherman, however, was not so sanguine. He replied to Canby's telegram that it was manifestly desired by all in authority that the peace measures should succeed and counselled patience. "But should these peaceful measures fail, and should the Modocs presume too far on the forbearance of the government and again resort to deceit and treachery, I trust you will make such use of the military force that no other Indian tribe will imitate their example, and that no reservation for them will be necessary except graves among their chosen lava beds."

At this time Meacham would willingly have seen the peace commission dissolved, and more than once had signified his readiness to make his final report at Washington. The peace commission was extremely unpopular in his own state, and was likely to ruin his chances for any future political preferment. Subservient as it had been from the first to the advice of the military, by order of the government it occupied a position antagonistic to peace, as it did, by the terms offered by the military, to the authorities of Oregon and the sense of the people. All the other commissioners had resigned and gone home. The delays caused by the commission in the operations of the military forces were likely to defeat the object for which they were assembled, as with the approach of spring the Modocs would escape into the mountains, where no number of troops could hope to capture them, and whence they could descend in small parties to steal and murder at will. The stock-raisers in the vicinity of the lava beds complained that their cattle and sheep were lassoed not only by the Indians, who killed all they needed, but by the army teamsters and soldiers also, who took fresh meat when they desired, thinking they might as well have it as the Indians. The time was at hand for putting in crops, but no

farmer in that region would venture to do any thing on his land until the Modoc difficulty should be settled. Fears were entertained that the Piutes, Pitt Rivers, and Snakes, aggregating two or three thousand warriors, would be induced by Jack's success in resisting the United States authorities to commence hostilities, and combine with him in a war which might become general. Already that portion of the Nez Percés who had always been disaffected toward the treaty of 1855 were making trouble in the Wallowwa valley, on the eastern border of the state. No formal treaty had ever been made between the government and the Indians subdued by General Crook's operations a few years previous, who now openly rejoiced over the rumors that Captain Jack still defied the power of the soldiers who had conquered them, and the inhabitants were already calling for protection by petitions to the governor. That this threatening attitude of the Indians was directly due to the influence of the peace commission all were aware; and hence arose the opposition of those not immediately interested in having the Modocs punished for crimes committed by them. Of the importance of these matters to his state Meacham was fully cognizant; and having become convinced that no satisfactory terms could be made with the Modocs, he was quite willing the whole problem should be left with the military for solution. But he was not permitted to dispose of the enterprise into which he had brought himself and others in that way. Instead of that, Odeneal, who declined, and then Dyar, was appointed on the commission in the place made vacant by the resignation of Case, and Jesse Applegate's place was filled by E. Thomas, a methodist clergyman of Petaluma, he being the choice of Canby. Thus the commission was reorganized.

The day after Jack's failure to keep his word with the commissioners, a reconnoissance of the lava beds

was ordered by a cavalry company under Colonel Biddle, but nothing was seen of the Modocs. According to a previously expressed desire of Jack's, a messenger was sent to Yainax to invite Chief Sconchin and sub-chief Charley Riddle to visit him, an invitation seconded by the commissioners. After several days of deliberation, Sconchin reluctantly consented, feeling convinced beforehand how useless would be his intervention. At starting he said, "Let me once look into their eyes, and I will know what to report." Thereupon he went, and looked into the eyes of Jack and his brother, and returning assured the commissioners to hope for nothing, that all future negotiations would be unavailing. There could be but one reason why the outlaws wished to see him, which would be an appeal to him for that assistance which had already often been refused to the messengers sent to Yainax. That communication was kept up between the loyal and the rebel Modocs there was plenty of evidence; indeed, the messenger sent to bring in Sconchin found Long Jim, one of the warriors under indictment, at Yainax.

On the 13th Biddle, while reconnoitering in the vicinity of the lava beds, captured thirty-four horses, and might have killed a number of savages had not his orders forbidden it. The capture of the horses, though an act of hostility not entirely consonant with peace measures, was thought necessary to lessen the chances of escape from the lava beds before a surrender could be effected. In the meantime negotiations had been carried on by means of the Indian women living about the settlements, one of whom after visiting the stronghold brought word that Jack wished for a conference, but was afraid to come out of the lava beds lest Canby should not be able to control his soldiers, in proof of which he mentioned the taking of his horses. Being afraid to come out, he wished Fairchild and Meacham to come to him in his stronghold.

About the middle of March, Canby and the peace commission removed headquarters to Van Brimmer's, and the troops now numbering between 500 and 600, were drawn closer to the lava beds.

No material change took place in the attitude of affairs for ten or twelve days. The material of war was slowly brought nearer to Jack's stronghold to convince him of the futility of all attempts at escape. If Jack was waiting to gain time, when the snow being off the mountains the Snakes could come to his assistance, he was in apparent danger of being frustrated, though that he occasionally gained some recruits from renegades of other bands was credited.

On the 19th Meacham wrote to the commissioner of Indian affairs at Washington, that he had not entirely abandoned hopes of success; even that he was satisfied, had no outside treachery intervened, peace would have been accomplished before this. The Modocs, he said, had been informed that the authorities of Oregon demanded the warriors indicted; also that Jack would surrender them, but dared not. In this letter he advocated a meeting on Jack's terms; and said if left to him he should have visited Jack in the lava beds; and that he was ready to do so at that time, but was restrained by Canby.

It did not appear, however, that anything had occurred that should have changed his mind since he had written that the Modocs meant treachery. That he did not at this time enjoy the confidence of the departments is placed beyond doubt by a telegram from Sherman to Canby, authorizing him to remove from the commission any member he thought unfit, and devolving upon him the entire management of the Modoc question.

Canby did not think it necessary to remove Meacham, the only member of the commission then on the ground, particularly as he was clothed with supreme power. But even Canby could not make all his reports agree, for on one day he thought that the

Modocs would readily consent to go to Yainax, should that be thought best, and the next was obliged to report that they were not in a disposition favorable to any arrangement; they had sent one of their women into camp to say that at the last moment their hearts failed them, and they could not make up their minds to go to a new country. Time, the general said, was becoming of great importance, as the melting of the snow would soon enable the Indians to live in the mountains, but he hoped by a system of gradual compression, and an exhibition of the force to be used against them, to satisfy them of the hopelessness of further resistance, and give the peace party sufficient strength to control the band. On the 22d generals Canby and Gillem made a reconnoissance with a cavalry company, during which an accidental meeting was had with Captain Jack and a party of his warriors. A conference between the generals and Jack and Sconchin was arranged; but instead of Sconchin, Jack brought Scarface, the acknowledged war chief. Nothing could be elicited from Jack but protestations that he did not want to fight, nor to be shut up in the lava beds, but would go back to Lost river. The gradual compression went on; headquarters were once more removed to the foot of the high bluff, within three miles of the stronghold; while three other camps were established within distances varying from four to thirteen miles.

At length on the 24th the new commissioners, Thomas and Dyar, arrived at headquarters; and also Captain O. C. Applegate, with five reservation Modocs who had been sent for by General Canby to assist if possible in the peace negotiations. On the 26th General Gillem and Commissioner Thomas had an interview with Bogus Charley who had been passing freely between the stronghold and the camp of the commissioners for several weeks. In this interview it was once more agreed that the Modocs should come out the following day; but according to their usual

tactics a delegation consisting of Bogus Charley, Mary, another Indian woman named Ellen, and Boston Charley, was sent in their place with a message to the commissioners and Canby of a private nature.

The impression given out at the several interviews held up to this time was that there were two parties among the Modocs, a war party and a peace party, and that Jack was of the peace party, while Sconchin, his rival, was striving for the chieftainship by attempting to lead the majority or war party. That this was simply a device to deceive the commissioners as to their real strength and purpose was afterward made apparent; but at the time it succeeded, as the telegrams of Canby show. After the meeting of the 22nd he said; "The result confirmed the impression previously reported, that the war faction is still predominant. Captain Jack's demeanor was that of a man under duress, and afraid to exhibit his real feelings. Important questions were evaded or not answered at all." This created a feeling of compassion toward Jack in the mind of the general who was conducting the negotiations, and led him to believe more in the final success of the peace commission. Meacham, feeling compelled to follow the lead given, as ordered by Delano, after the late unsatisfactory meetings, again wrote to the commissioner of Indian affairs that the principal impediment to the surrender of the Indians was the fear that the offending warriors would be punished, and that this fear was willfully increased by bad white men, who desired to have the war prolonged from mercenary motives.

This accusation, which gained most credence at the greatest distance from the seat of war, was easy of refutation, since the only men having the opportunity at first to communicate with the Indians were those sent by the commissioners, and another class who lived upon terms of equality with Modoc women, and who could have little of anything to gain by the continuance of hostilities, but whose profits had formerly

depended greatly upon the trade of the very Indians now rendered unable to carry on commerce by reason of the war. It was in the power of the military at any time to have prevented the communication existing between these women, who picked up all sorts of stories in their intercourse with low white men and the Indians in the lava beds, had they chosen, simply by sending them to their people with orders to remain there until Jack surrendered. That this was not done was a military blunder. On the other hand, the peace commission, which was military in its feelings, being desirous of establishing the character of the government for magnaminity, encouraged the Modocs while still avoiding hostility to send small parties almost daily to headquarters, where they could observe all that was going on, and where they were sure to hear from those who were most likely to seek their society anything and everything. These blunders were the direct cause of the fear which, if any, possessed the Indians, which fear was therefore chargeable to those conducting the peace commission, and not to any other persons. Above all, the authorities at Washington, who had set their hearts upon the success of a doubtful experiment, by insisting upon pacific measures when these measures had been persistently rejected by armed savages, possessed of considerable knowledge of the government, were responsible for the present condition of affairs.

So far was this infatuation carried, that on receiving Canby's telegram saying that Jack still wished to return to Lost river, Delano instructed the general not to require that any of the propositions heretofore made should be accepted, but if the Modocs insisted on not going elsewhere, to allow them a reservation on Lost river; and if they were opposed to the surrender of the offending warriors, not to insist upon that, but to include them also in the amnesty.

From the 26th to the 1st of April nothing occurred

of importance at headquarters, though news was brought from Langell valley that Hooker Jim and a party of Modocs had shown themselves near Alkali lake and driven off a large band of horses; also that on the night of the 24th they were at Yainax where they talked until morning, trying to persuade the reservation Modocs and Klamaths to join Jack, telling them that five tribes had promised to take the war path with him as soon as he left the lava beds, and that unless they united with the war confederacy they would not be safe. They sent their women to a man named Jordan, who lived with an Indian woman, to buy powder, but failed to obtain any. This movement of the Modocs greatly alarmed both the white men and Indians in Sprague River valley; and as the conduct of the Snakes in Goose Lake valley was alarming, a petition was presented to the governor of Oregon for protection.

The raid of the Modocs into Langell valley, and their threats to the reservation Indians, somewhat alarmed the families at the Klamath agency, who were almost entirely unprotected, Dyar being absent on the business of the peace commission, and the other white men assisting the Indians with their farms on different parts of the reservation. Knowing that the Modocs might in one night make a descent on the agency, Captain Pollock, in command at the fort, advised the temporary removal of the families to the post, and made a requisition on General Gillem for a few men to guard the government property on the reservation, which requisition was not honored on account of the need of all the troops about the lava beds.

The messenger who carried the despatch at his own instance circulated the rumor in Linkville that the Klamaths had joined the Modocs, the families at the agency had taken refuge at the fort, and the country was in a state of alarm. Happily Captain Applegate chanced to be at Linkville, on his return from the headquarters of the peace commission with his Modoc

delegation from Yainax, and was able to quiet the apprehensions occasioned by this unauthorized allegation against the Klamaths. The people on the reservation were at no time afraid of the Klamaths, although they were just then under apprehensions in regard to the hostile Modocs. The Indians on the reservation were fearful of an attack. "Jack had long before the war told old Sconchin and other Yainax Indians," says Applegate, "that in case of a war with the whites he would destroy Yainax, and kill the Indians there if they did not join him. Old Sconchin told me this early in the war, and said if Jack's band came to Yainax on a raid, his men would die fighting for the place and their white friends. The Modocs did scout in the vicinity of Yainax, and it is altogether probable that had we not been constantly on the alert a descent would have been made on us during the first months of the war."

On the 31st of March a movement by the troops in force was made, three hundred marching to the upper end of Lower Klamath lake, and thence on the 1st of April to Tule lake and the lava beds. On the 2d the Modocs signified their willingness to confer with the commissioners at a point midway between headquarters and the stronghold. Jack reiterated his terms, to be allowed to have Lost river, with a general amnesty, and to have the troops all taken away. The most that was accomplished was to obtain consent to erect a council tent, the weather being stormy and cold, at a place on the lava beds about a mile and a quarter from the camp of the commissioners, where future negotiations could be carried on. On the 4th a request was made by Jack that Meacham, Roseborough and Fairchild should meet him with a few of his men at the council tent. They went, accompanied by Riddle and his wife Toby as interpreters. Jack was accompanied by six warriors and the women of his own family.

Colonel Mason had been ordered to move his com-

pany to camp two miles from the stronghold on the east side, and the movement seemed to have had some effect in bringing about the interview. The council was opened by Roseborough, who explained to the Indians their position. Jack and Sconchin both replied that they wanted the Lost river country, and reiterated their former demands. Roseborough replied that it was useless talking about Lost river, because they had sold it, and could not have it back; that blood had been spilled there, and the Modocs would not be able to live there in peace. Jack replied that his young men had done wrong in spilling the blood of innocent men, but declared that had no settler been in the fight of the 29th of November, none would have been killed.

He then recited his grievances while on the reservation. But when shown by the commissioners that he could not have his demand for the Lost river country complied with, or if complied with that he could not enjoy peace there after what had happened, he said that if he could not have that he would say no more about it, but would accept a small reservation in California, including Willow, Cottonwood, and Hot creeks, with the lava beds. This, too, was refused as impracticable.

When Meacham addressed the Indians, they listened with indifference. The council lasted for five hours, when it was suddenly terminated by the Indians, who retired, saying if they changed their mind in the matter, they would report next day.

On the following morning Boston Charley came to the commissioners' camp and wished to see Roseborough, to whom he said that Jack desired another interview, when Roseborough replied that he did not wish to talk any more with Jack until he had made up his mind what he would do. Boston then remarked that the Indians might all come in the next day, which led Roseborough to think they really contemplated surrender. A message was immediately sent

by Toby Riddle conveying a proposition to Jack to surrender with any others who might elect to do so. The proposition was not only declined, but in such a manner that on her return Toby assured the commissioners and Canby that it would be no longer safe for them to meet the Modocs in council. The information was lightly treated by the generals, and by Thomas —the former feeling behind them the power of the federal government, the latter trusting in the power of the almighty—but was regarded as of more consequence by Meacham and Dyar, who better understood the characters of the informer and of the Indians informed against. Through the indiscretion of Thomas, the Modocs were made aware that their contemplated plan of assassination was understood, a knowledge which undoubtedly hastened its consummation.

On the morning of the 8th Jack sent a messenger to the commissioners, requesting a conference at the council-tent, and a proposition to meet them with only six unarmed men. But the signal officer at the station overlooking the lava beds reporting six Indians at the council-tent and twenty more in the rocks behind them, all armed, the invitation was not accepted, and no meeting was had. Jack understood from this rejection of his overtures that he was suspected, and that whatever he did must be done quickly. He had gained by his baffling course the time needed, so that should he be compelled to leave the lava beds he could escape, and join or be joined by the Snakes on the east. This he intended to do, first destroying the army generals and the peace commission, by which he expected to throw the troops into temporary confusion, and during the confusion to carry out his plans.

Therefore on the morning of the 10th a delegation from Jack's camp consisting of Boston Charley, Hooker Jim, William, or Whim as he was called, and Dave visited the commissioners at headquarters about three miles from the stronghold, and brought a propo-

sition from Jack that generals Canby and Gillem, with the peace commissioners, should meet the Modocs in conference. The interpreters were sent out to learn Jack's wishes, and also to convey to him a protest from the commissioners, which was in writing, and which Riddle read to Jack, containing the terms before offered—a general amnesty and a new reservation in a warmer climate.

It was evident to Riddle, from the manner of the Modocs, that they were not acting in good faith. Jack threw the paper sent him upon the ground, saying he had no use for it; he was not a white man, and could not read. He also insisted upon the commissioners coming a mile beyond the council-tent, saying he would go no farther to meet them. Light remarks concerning the commissioners were made in the hearing of Riddle by others of the Modocs. They had also been killing and were drying beef, and had thrown up breastworks of stone to strengthen certain points; all of which were to the interpreters indications that they were preparing for war rather than for peace.

After a good deal of negotiating, Riddle advising against any meeting, it was finally agreed—Thomas being chairman in the temporary absence of Meacham—that the conference should be held between Canby and the commissioners on one side, and Jack with five men on the other, all to go unarmed, and to meet at the place selected by Jack, an extensive basin surrounded by rocks, at eleven o'clock on the forenoon of the 11th. After this decision Riddle called on Canby and advised him to send twenty-five or thirty men to secrete themselves in the rocks near the council ground, as a safeguard against any treacherous movement on the part of the Modocs. To this proposal the general replied that it would be an insult to Captain Jack to which he could not consent; and that besides, the discovery of such a movement by the Modocs would probably lead to hostilities, and be

unwise. But aside from this it was a silly suggestion. If Jack's men were hidden behind the rocks the soldiers of course would have been discovered; if they were not there the presence of the soldiers was unnecessary. Again, Boston Charley came into Gillem's camp on the evening of the 10th, and remained there until the commissioners left to go to the council tent next morning, seeing and reporting everything.

When Meacham heard of the arrangement, he remonstrated against going into the hole in the rocks Jack had designated, and indeed against any meeting at all; but he finally yielded to the wishes of Canby and Thomas, when Jack consented to change the place of meeting to the council-tent, which he did on the morning of the 11th.

Everything being now arranged so far as it could be for what all wished might be a conclusive conference, Riddle once more warned the commissioners that in his belief the Modocs meant to kill them at this meeting, and Toby said the same. But Canby was confident that they dare not attack him with Mason's force where it could be put into the stronghold before the Indians could reach it; that the road to the council-tent had been watched from the signal station all the morning, and that only the number of Indians agreed upon were on the ground, and they apparently unarmed. With simple and refreshing faith Thomas said, "There is no danger; let us put our trust in God; surely he will not let harm come to men engaged in so good a work."

"Trust God, if you want to," growled Riddle, "but I tell you don't trust them Indians." Indeed, so earnest was Riddle that it should be well understood that it was all against his judgment, that he requested Canby and all the commissioners to accompany him to the tent of Gillem, who was ill, that he might make a formal protest in the presence of that officer, plainly stating that he consented to make one

of the party rather than lay himself open to the charge of cowardice, and the declaration was there made. Then Riddle proposed that if the meeting must take place, the party should carry concealed arms. To this Canby and Thomas objected, determined on keeping faith with the Indians, though so strongly assured of their treacherous intent. Neither Meacham nor Dyar entertained the same scruples regarding the savages, nor the same trust in the justice of heaven and the protecting arm of providence; though opposed to the meeting, like Riddle they would go rather than be called cowards, or charged with deserting Canby and Thomas. Accordingly Meacham and Dyar concealed each a small pistol upon his person to be used in case of emergency.

At the time appointed the party set out for the council-tent. There were, besides the commissioners, Canby, the interpreter Riddle, and Toby. Meacham and Dyar took their horses to ride, though the nature of the ground made horseback travel slow. Toby also rode, all the others walked. On arriving at the ground, they found Jack awaiting them with the number of followers agreed upon; but these with the addition of Bogus Charley and Boston Charley, who had spent the night at Gillem's camp and accompanied the commissioners to the rendezvous, gave Jack just twice as many as were on the other side, exclusive of the two interpreters.

Jack was indeed a cunning fellow, and nowhere was his shrewdness ever more craftily displayed than in this instance, where by making two of his confederates accompany the intended victims, he could not be accused by them of bringing more than the number agreed upon.

The commissioners' party joined the Indians, who were sitting in a semicircular group about a campfire near the tent. Canby offered them cigars, which they smoked for a little while. The council was then opened by the general, who spoke in a kind and fath-

erly way, saying he had for many years been acquainted with Indians, and thought he understood them; that he had come to this meeting to talk in a friendly manner to them, and conclude upon a peace; and that whatever he promised them that day, they might be sure they would receive.

Meacham followed with allusions to his office as a commissioner sent by the government to make peace, and take the Modocs away from a place where blood had been shed, to a new and happier home, where they would be provided with a comfortable support. Thomas made some similar remarks. Jack then spoke, saying he did not wish to quit the country he was in; that it was the only country known to him. He had given up Lost river and he wanted Cottonwood and Willow creeks instead. He wanted the soldiers taken away, and wanted to be left in possession of the lava beds It was soon evident that nothing would be gained by the conference.

Meanwhile the air began to thicken with treachery. As the savages manifested uneasiness on seeing a white man not of the party approaching the place along the trail, Dyar mounted his horse and riding forth turned back the intruder, that the Indians might not suspect duplicity. When he returned he did not rejoin the circle, but threw himself on the ground at a little distance from it, still holding his horse by the bridle.

Meacham's horse had been standing loose; but as the conference drew toward a close, Meacham secured the animal, still continuing his part in the discussion, the others remaining seated or reclining on the ground. In the midst of Meacham's remarks Sconchin threw in some disrespectful words in his own tongue which the commissioners did not understand. Hooker Jim then arose, and going to Meacham's horse took the overcoat from the horn of the saddle and put it on. Then with mocking gestures he strutted back and forth saying in English, "Don't I look like old man Meacham?"

Every one present understood fully the significance of the affront Treachery was rapidly unfolding into death. None durst show alarm; and though each was anxious to catch the eye of the others, none must indulge in a significant glance, lest it should be made the signal for what all felt was impending. True, no guns were visible, but revolvers could be plainly seen beneath the raiment of the savages.

Calmly the general rose from his seat, again referring to his early acquaintance with different tribes of Indians, and pleasantly related that one tribe had elected him chief, and given him a name signifying "Indian's friend;" and another had made him chief, and given the name of the "tall man;" that he had never deceived them, but had always dealt fairly with them; that he was there that day by order of the president of the United States; that he had no authority to remove the troops, who were there by the president's order, and also to see that everything was done that was right, by both Indians and settlers.

Sconchin replied with the demand that they should be given the Willow Creek or Hot Creek country, and that the troops should all be taken away. While his speech was being interpreted, Jack arose and walked around behind Dyar's horse. At the same time two Indians, carrying several guns each, suddenly appeared, as if arising out of the ground. Jack returned to a position in the circle opposite to Canby, and as Meacham demanded, "What does that mean?" Jack gave the word in his own language, which meant "all ready," and drawing a revolver from his bosom fired at Canby who was within a few feet of him.

When the Indians carrying guns first came in sight, all but Toby Riddle had sprung to their feet. Toby lay flat on the ground. Simultaneously with Jack's attack on Canby, Sconchin fired on Meacham, and Boston Charley on Thomas.

At the first motion of Jack to fire, Dyar, who was a

very tall man, and had an advantage of a few feet in distance, started to run, pursued by Hooker Jim. Finding himself close pressed, when he had gone 150 yards, he turned and fired with his pistol, which checked the advance of the enemy. By repeating this manœuvre several times he escaped to the picket line. Riddle also escaped by running, though he was pursued by Shacknasty Jim, assisted by Brancho, who with Scarface, Steamboat Frank, and Sloluck, had been concealed in the rocks near the council-ground. Toby escaped with only a blow given her by one of the Indians who coveted her horse; Jack interfering, she was permitted to follow her husband.

It was but a few moments after Jack had uttered his "all ready," when General Canby lay stripped naked upon the ground with a bullet hole through his head. A short distance from him was Thomas, also dead, and nearly naked. Near the clergyman lay Meacham, stripped, and with five bullet wounds—in the face, the left hand, the right wrist, the lobe of one ear, and the side of the head, and a knife-cut on the other side of the head. With all these injuries, however, he was not dead, and revived half an hour later when the troops reached the spot. Can any one tell why, what is so frequently the case, that the two men who trusted in the Lord perished, while those who did not were saved?

Some would say that these chivalrous persons should have exercised better judgment, and not have depended on God to work a miracle to save men from destruction, who, when fairly warned of their danger deliberately walk into it. Even the plea of duty does not here obtain, for there was no obligation resting on them to risk their lives; no principle involved in it, no important issue turning upon it. It made no whit difference to any one whether or not those savages were seen on that particular day, by those particular persons, and in that particular way. The last telegram from Canby on the subject, dated April

12th, contained these words; "In my judgment permanent peace cannot be secured if they are allowed to remain in this immediate neighborhood. The Modocs are now sensible that they cannot live in peace on Lost river, and have abandoned their claim to it, but wish to be left in the lava beds. This means license to plunder, and a stronghold to retreat to, and was refused. Their last proposition is to come in and have the opportunity of looking for a new home not far away, and, if they are sincere in this, the trouble will soon be ended; but there has been so much vacillation and duplicity in their talks that I have hesitated about reporting until some definite result was attained. All the movements of the troops have been made deliberately and cautiously, so as to avoid collision and to impress the Indians that we have no unfriendly intent; thus far we have succeeded very well, but their conduct has given so much reason to apprehend that they were only trying to gain time, that I have organized a party of scouts to operate with the troops if they should go to the mountains or renew hostilities."

Before General Canby had left camp at headquarters he requested General Gillem, should anything happen to confirm him in his suspicions of the treacherous designs of the Modocs, to send Doctor Cabaniss to notify him. Soon after the commissioners reached the council-tent, an Indian approached the picket-line about Colonel Mason's camp, which was located at Hospital Rock, about two miles east of the stronghold, carrying a white flag. Lieutenant Sherwood was sent to meet him. He soon returned and reported that three Modocs wished to have a talk with the commander of the post. Sherwood was then sent to inform the Indians that if they wished to see the colonel they must come inside the picket-line. Lieutenant Boyle of the same regiment, who happened to be present, asked permission to accompany Sherwood, and the two officers again went out to meet the flag

of truce, which was half a mile outside the line of pickets. Just before they came to it they were met by one of the Indians, who gave his name as Wooley-haired Jake, and the names of his companions as Comstock Dave, and Steamboat Frank. He then inquired if Lieutenant Boyle was the commanding officer, and on being told that he was not, invited the officers to go on to where the flag-bearer was in waiting. The manner of the Indians seeming to indicate treachery, the two officers being unarmed, declined, but agreed to talk with them if they would come to the picket-post. This the Indians refused, and Sherwood and Boyle started for their camp, a mile distant. No sooner were their backs turned than the Indians began firing, and they began dodging from rock to rock as they ran. Sherwood soon fell mortally wounded; but Boyle escaped, being protected by the fire of the picket-guard who kept the Indians back. The troops soon turned out and brought in the wounded lieutenant, who died three days afterward.

This occurred while Canby was smoking and chatting with the conspirators at the council-ground, and was part of the plan by which Jack meant to deprive the army at once of its principal officers. Had the scheme succeeded as Jack intended, the troops placed by Gillem near the stronghold for the purpose of being ready in this or any other emergency, would have been thrown into temporary confusion, rendering them unable to interfere with the slaughter of the commissioners. In Jack's plan there was nothing lacking.

The officer at the signal station overlooking Mason's camp telegraphed Gillem what had occurred, and the general sent for Cabaniss. A message was written, and the doctor fully informed of the danger of his mission, which indeed he knew beforehand, and was willing to encounter for the sake of General Canby whom he greatly loved. But at the moment the message was handed to him, the signal officer on

the west side cried out "They are firing on the council-tent!" The men turned out at the first alarm, Sergeant Wooten, of K company of cavalry, leading a party without orders. The wildest confusion prevailed; yet in the sole intent if possible to save Canby and the others there was a kind of order. Gillem gave his commands rapidly, and the troops were only too eager to get at the assassins. Colonel Miller's battery E, 4th artillery, Major Throckmorton's batteries M and K, 4th artillery, and companies E and G, 12th infantry, under Colonel Wright and Captain Howe, moved forward as rapidly as they could get over the rough ground. But before they had proceeded far they met Dyar, with the story of the fatal catastrophe. On reaching the council-ground Meacham was found to be alive, and was rescued. The Indians retreated to their stronghold, and the troops followed for half a mile, when they were halted, and at night withdrawn to camp.

Thus ended the peace commission, conceived by place-hunters, and afterward conscientiously insisted upon by well-meaning but uninformed officers of the government in opposition to the opinions and feelings of the white people most concerned, and of the Indians themselves. Secretary Delano was hanged in effigy at Yreka, and public meetings held to do honor to the memory of General Canby in Portland, where nothing that had happened since the assassination of President Lincoln had so affected the whole community.

In justice to Delano it should be said that he had been subjected to a strong outside pressure from people with philanthopic theories and no knowledge of the subject. Letters poured into the department in behalf of the Modocs from individuals and societies of every quality and quarter. On the 19th of March a letter was sent to the president by Bronson Murray of New York, reproaching him for employing the army against the Modocs. "If true, what

Steele is reported saying, that the president knows the Modocs are not to blame in this matter, then why should not the army be turned against the Oregonians?...Can you not leave the Modocs at rest? Give them long, long time. Throw upon Oregon alone the responsibility of this grave injustice. Is there no way but that our army must receive in their breasts the bullets which are shot because of the greed and covetousness of the Oregonians?"

The quakers also interested themselves for the Modocs, Alfred H. Love, of Philadelphia, protesting against employing the army in forcing them to make peace, and saying the Peace Society of that city freely discussed and deeply deplored such a cause. Many newspapers took this view of the subject. The people of Oregon survive.

Orders now came from Washington to wipe out the Modocs. On the day after the massacre at the council-ground, the Indians attacked Mason's skirmish line, forcing the left picket post to give way. It was, however, retaken by Lieutenant Thellar, of the 21st infantry, with a portion of Company I, a sharp skirmish being kept up all day and a part of the 13th, the Modocs attacking. On the 14th General Gillem telegraphed Colonel Mason asking if he could be ready to advance on the morning of the 15th; to which Mason replied that he preferred to get his first position at night, and was ready to move that night. Gillem then ordered him to take his position on that night; not to make any persistent attack, and to shelter his men as well as possible. Donald McKay having arrived with a company of seventy-two Warm Spring scouts, which Canby had ordered organized after it became apparent that the Modocs might reengage in hostilities, Mason was directed to post them on his left, or on the north side of his stronghold, with orders to work around toward Green's right; and be sure to wear their uniforms to prevent

mistakes; not to use his artillery except when he thought it would be effective; and to hold every inch of ground gained. "Tell your men," he said, "to remember General Canby, Sherwood, and the flag."

The movement began at midnight, and before daylight the troops were in position, about 400 yards east of the stronghold, the right infantry, under Captain Burton, resting on the lake, and on the left the cavalry, dismounted, under Captain Bernard, a section of mountain howitzers under Lieutenant Chapin being held subject to special order. The men had thrown up breastworks of stone to conceal their exact position from the enemy. Soon after daylight the howitzers opened fire, and skirmishing commenced.

On the west side Perry and Cranston of the cavalry moved at two o'clock in the morning to a point beyond the main portion of the stronghold on the south, where they concealed their men, waiting to be joined at daylight by the infantry and artillery under Miller and Throckmorton, with Green and staff. These left camp at seven o'clock, and soon united with Perry's command. Miller had the extreme right, Throckmorton on his left, and two companies of infantry in the centre; while the cavalry were on the extreme left, touching the lake, the intention being to close in gradually on the stronghold from every side.

The day was warm and still, and it could be no longer said, in defence of failure, that ignorance of the nature of the ground or obscurity from fog prevented success; besides, every man had a personal interest in retrieving the honor of the army from the humiliation of the 17th of January. The first opposition was encountered a mile and a half from Jack's camp, when straggling shots at long range began to fall among the troops, who advanced in open skirmish order along the lake shore, sheltering themselves as best they could under cover of the rocks in their way. On reaching the gorge under the bluff, a galling fire

was poured into them from a large party of Modocs stationed there. The reserves coming up an order was given to charge, which was done with such force and rapidity that the Indians were obliged to retire, and the troops took their position. At the same time Mason was doing all in his power to divide the attention of the Modocs, while the army passed this dangerous point. In the charge, Lieutenant Eagan was wounded in the thigh, but did not leave the field. Several privates of Miller's artillery command were also wounded. At two o'clock the order was given to advance the mortars under Captain Thomas and lieutenants Cranston and Howe, 4th artillery. By half-past four they were in position, and the left of the line on the west had deployed down the lake opposite to the stronghold, crossing the open space in front without loss. Half an hour later the Modocs seemed to be concentrating their fire on Mason's troops; but just at this time the mortars began throwing shells into the Modoc position, which gave them a diversion and arrested their fire. So far all went well. The bluff taken by the charge was still in possession of Miller's men, between whom and the main plateau or mesa, in which the caves were situated, only two ledges of rock intervened. On Mason's side, also, the Modocs had abandoned their outer line of defences; but the colonel would not yet expose his men by following them.

At six o'clock the mortars were again moved forward, and by nightfall the troops in front of the stronghold were ready to scale the heights. At midnight Mason took up the position abandoned by the Modocs within 100 yards of their defences. The day had closed with eight soldiers wounded and three killed, and one citizen supposed to be killed. The Indians were nearly surrounded, and fought the troops on every side, seeming to indicate more strength than they were supposed to possess. Mortar practice was kept up throughout the night with intervals of ten min-

utes. The troops, who were provided with three days cooked rations, overcoats, blankets, and 100 rounds of ammunition each, remained on the field without changing position.

Finding when daylight came on the 16th, that Mason's left under Thellar had possession of the mesa, with the Warm Spring scouts on his right, and the whole line unbroken, the Modocs abandoned their strong defences, and passed out by unseen trails, getting on his left and in his rear, preventing his joining Green's right, as directed by a despatch from Gillem. Subsequently he was ordered to advance his right, and join Green on the shore of the lake, which movement cut the Indians off from water. A sharp engagement took place in preventing the Indians from getting to the lake. By ten o'clock Green's line had scaled the bluff, and reached the top of the ridge next to the stronghold, meeting but little opposition; but it was decided not to push the troops at this point, as there might be a heavy loss without any gain; and the want of water would soon drive the Modocs out of their caverns and defences, while it was not likely they could find a stronger position anywhere. The work of the day consisted simply in skirmishing. No junction was effected between Mason's left and Green's right, the principal resistance being made to this movement, the object of which was apparent at a latter period of the battle.

In the evening the Modocs having a large fire in their camp Thomas dropped two shells into it which were followed by war whoops, and also by cries of rage and pain. After this the Modocs showed themselves and challenged the soldiers to do the same. But the soldiers were hidden behind stone breastworks in groups of five or six, with orders at no time to allow themselves to be surprised. In these little forts, built at night, they sheltered themselves, and caught a little sleep, two at a time, while the others watched.

The hardest fight during the day occurred when Miller was endeavoring to form a junction with the Warm Spring scouts, and failed As he was crossing a chasm, the Modocs suddenly appeared and cut him off with thirteen men. They fortified themselves, and fought desperately until about four in the afternoon, when, shells beginning to fall in that vicinity, they left cover and ran into the lines amid a shower of bullets, losing two men killed and one wounded. Again in the evening the Modocs made a movement to break through the lines and get to the lake, but were checked by a heavy fire from the troops. The second day ended with some further advances made upon the Modoc stronghold, and the mortar batteries in better position. The blaze of musketry along the lake shore in the closing engagement at nine o'clock in the evening was likened to the darting of flames on a burning prairie seen at night. Once more the troops remained over night in the field, having nothing warm with their rations but coffee served to them hot.

The condition of the Modocs must have been very miserable, hemmed in as they were, cut off from water, and not allowed a moment's rest from flying shells. Those who watched them through field-glasses during the day said that they ran from one point of rocks to another back and forth, with no apparent motive, seemingly dismayed by the peril that environed them. But the work of extermination did not go on as Gillem desired. The Warm Spring warriors reported killing four Modocs and losing one of their own men. How many were killed in their caves was unknown. The casualties on the part of the troops in the two days' fight amounted to seventeen, only five being killed.

Caught thus in his own trap, the time had come when Captain Jack should surely be put to death. On the morning of the 17th the lines met without impediment, and closed in on the stronghold, finding few

Modocs to dispute their passage. About eleven the Indians seemed to rally, and the troops made a general movement to sweep the lava beds. Down upon the fated band they poured, each soldier eager to be first. No quarter now; think of Canby! Thus they rushed pell mell into the stronghold. With uplifted sword and gun ready, all breathless they prepared to strike. But what is this? Where are the dastardly red skins? Utterly vanished! An examination of the ground showed a fissure in the pedregal leading from the caves to the distant hills. This pass had been marked with rocks and poles so that it could be followed in the darkness; and through it had been conveyed to a place of safety the families and property of the savages, men enough only having been left to keep up an appearance of fighting during retreat. It was the effort to keep the pass open and undiscovered, that had so long prevented the junction of Mason's left with Green's right. After having successfully retreated to a place of safety, a portion of the Modoc warriors returned and engaged the troops for about one hour. Before quitting the scene altogether a party of them escaped to the rear of Green's command, and between him and his camp killed a teamster from Yreka named Eugene Hovey, mutilating his body horribly, and taking from him four horses and a mule. Two newspaper correspondents were fired on but they escaped by running.

The news that the stronghold had been evacuated, and the Modocs had escaped, was carried by messengers in every direction, and the greatest excitement prevailed. The intelligence was received in Yreka with "the greatest amazement," so sure had been the hope of the speedy close of the war whenever the military were permitted to act in their proper capacity. Even now people tried to comfort themselves by repeating that the stronghold was captured. But the mere possession of the classic caves, now that Jack was out of them, and free to carry on a guerilla war-

fare, was a matter of small felicitation, if not of positive solicitude.

In the caves were found evidences of the death of seventeen of the Modocs as it was believed. It appeared that most of the women and children had been removed previous to the assassination. Many shells were found to have exploded in and about the Modoc camp, from which it is judged that they must have had many wounded. A body was found which was supposed to be that of Scarface Charley, the supposition being confirmed by an old woman found in the cave and taken prisoner. It was also believed that Sconchin was killed. This was afterwards learned to be an error. Their scalps were still safe on their heads, though a sergeant of troop K, 8th cavalry, thought he had secured that of Scarface as a trophy. Query: because savagism scalps, may civilization? Does it make devils of men to fight the devil with his own weapon?

Smoke from fires in the southeast indicated that the Indians were fleeing in the direction of Goose lake or Willow springs. The cavalry was ordered to pursue, Captain Perry setting out on the morning of the 18th to make a complete circuit of the lava beds, which compelled him to march about eighty miles. The Warm Spring scouts also were scouring the country to the eastward. Both commands were out two days without seeing the enemy. In the meantime Mason was ordered to hold the Modoc fortress with his command, and the property of his camp at Hospital rock was removed to his former camp on the peninsula or Scorpion point. The cavalry not with Perry were ordered to this camp. This left the trail along the lake exposed to attack from the enemy's scouts.

On the 18th the Modocs came in plain sight on a ridge about two miles off, and seemed by their large fires to be burning their dead. They also fired an

occasional shot during the day from nearer points. On the morning of the 19th as a pack-mule train was on its way from Scorpion point to Mason's camp on the lava beds with supplies, escorted by twenty men under Lieutenant Howe; it was attacked by eleven Modocs in ambush, who were driven back. Lieutenant Leary, coming to meet the train with an escort, had been less fortunate, losing one man killed and one wounded in passing the same spot. As the train was entering the lava beds it was again fired on; and again on returning, at both the attacking points. During the day the Indians crept up to within a few hundred yards of the pickets, firing a volley into camp. A shell dropped among them by Captain Thomas scattered them for that day. They showed themselves however on the 20th; going to the lake for water they fired on the Warm Spring warriors burying their dead, and even had the audacity to bathe themselves in the lake in sight of camp, only a feeble attempt being made to get at them by the astonished soldiery. In fact, they exhibited no fear about approaching the army camps, and the Warm Spring warriors were posted at the head of the bay between the lava beds and Hospital rock to prevent the Indians visiting the abandoned camp to pick up cartridges, coming to the lake for water, or stealing into Gillem's camp to gather information as spies.

Why did not the troops go forward and grind the savages to powder? The men were impatient enough to be doing something, and vexed because General Gillem preferred to wait for two companies of the 4th artillery, en route from San Francisco to Fort Crook under Captain John Mendenhall and H. C. Hasbrouck, but which, on the news of the escape of the Modocs at headquarters department of California were telegraphed to proceed by the way of Shasta valley to report to Gillem. They now thought they knew that the Modocs could not be surrounded; or

if they were they had to be assailed in their strong position, and killed or captured. To accomplish this it was not numbers that could effect it, but skill and daring. The officers as well as the troops shared in the general impatience at the course of the commanding officer, and went so far as to say that he considered only his own personal safety, remaining in camp during the three days' battle, and after the battle having all the troops that could be spared posted at his camp.

When the peace commission was terminated by the assassination of Canby the whole frontier was thrown into a state of alarm followed by an attempt to place it on the defensive. Governor Grover was informed by telegraph that the road from the Rogue river to Klamath valley was dangerous and that the settlers had been warned. He was asked to order out 300 volunteers; and did issue a proclamation calling for that number of men to serve on exposed portions of the frontier. He ordered Ross to raise a volunteer company, and open the road from Jacksonville to Linkville, and to take to the settlers in the Klamath basin forty-eight needle guns with 300 rounds of ammunition, which had been issued a month previous in anticipation of difficulties following the failure of the peace commission, and stored at Jenny creek on the road to Linkville. At the same time the governor sent dispatches to United States senators J. K. Kelly and J. H. Mitchell, directing them to obtain an order from the war department for 500 needle guns to be turned over to the state of Oregon for the nearest arsenal, 200 of which were due on a former requisition, and the remainder to be credited to the state on quotas due in the future, which arrangement was effected. When it became known that the Modocs had left their stronghold, great consternation prevailed among the inhabitants of northern California, and the wildest rumors gained credence. On

the 19th J. K. Luttrel of the third congressional district of California arrived in Yreka with the intelligence that the Indians of the lower Klamath and Salmon rivers were fully informed on the Modoc war, and there could be no doubt that Modoc runners had visited all the northern California and southern Oregon tribes. He had joined a company of volunteers going out to bring in the remains of young Hovey, shot on the 17th, for the purpose of visiting the scenes of hostilities, and to make a report upon them in his position as representative. The information he acquired, however, was obtained in Yreka, and from the same source that furnished all the information that was permitted to reach Washington at this time.

On the 20th the courier from headquarters to Yreka was fired on while riding express about four miles west of camp, the news of which alarmed the settlers on Willow and Hot creeks, who apprehended visits from small marauding bands of Modocs, and sent their families to Yreka. To add to the excitement, the Indians on the lower Klamath and in Scott valley were holding mysterious dances and ceremonials, decked in their war paint. The same rites had been observed in Goose Lake valley, where also much alarm was felt.

Fresh direction was soon imparted to operations by the discovery of the Warm Spring scouts that the Modocs were, after all, within the lava bed limits, although six miles to the south of the former camp. Here they had strongly intrenched themselves, and were adding to their supplies and courage by frequent descents on goods-trains and wayfarers. Their retreat revealed, they became more daring, and ventured with great bravado within range of the military headquarters only to disappear as if by magic before pursuers. It had been learned by experience that in these natural strongholds, with their knowledge of the ground, they could defy a manifold superior force in compara-

tive safety, while the besiegers were exposed at every turn or advance.

The press and public alternated between expressing apprehension of Indian raids and condemnation of military maneuvres, and seemed to favor a proposal of certain rash spirits for hunting down the miserable remnant of Modocs at so much per scalp, as the cheapest and surest way of settling the difficulty. In dealing with fiends, fiendish measures were allowable, they argued. Regular warfare was evidently inefficient, and would involve the needless sacrifice of blood and money.

The military naturally scouted the imputation cast on their ability, notwithstanding repeated missteps. During the first march toward the new Modoc retreat, they allowed themselves to be surprised by the enemy, which fell upon the reconnoitering force of Major Thomas, and scattered it in confusion, with the loss of twenty-two killed, and a number of wounded, while only one Modoc perished, through his own carelessness. The result was another period of inaction, to await reënforcements, during which the soldiers freely expressed their lack of confidence in officers whose only achievements seemed to be leading them into traps.

Lack of water compelled the Modocs once more to seek a new refuge. On their way to Snow mountains they came upon a detachment sent to head them off from so undesirable a direction. In the effort to stampede this force, like that of Major Thomas, they were foiled, partly through the promptness of the Warm Spring Indians. The pursuit by the soldiers was, moreover, so hot that the attacking band lost its horses, together with the reserve ammunition. Thus crippled, they were obliged to turn toward Indian Springs, there to be speedily surrounded by the troops. In this dilemma they negotiated through Fairchild, offering to surrender to him if promised their lives. This was agreed to, and on May 22d Fairchild brought in seventy captives, including a

dozen warriors, among them Steamboat Frank, Shacknasty Jim, Bogus Charley, and Hooker Jim.

The band proved to be mainly Cottonwood Creek Indians, who under accumulating reverses had tired of danger and hardships. Not content with abandoning their comrades, the above leading spirits actually volunteered to aid in capturing Jack, who with twenty braves had pushed eastward to Willow creek. Guided by these renegades, captains Jackson and Hasbrouck came so close upon the fugitives that several of their squaws were secured. After being pursued to Langell valley, half their number surrendered, including Scarface Charley Jack availed himself of the parley to hasten away, only to be intercepted by a detachment under Captain Perry, to whom he gave himself up on June 1st together with a few followers. Nearly all the remainder were gathered in during the following three days. Thus ended the six months' campaign of the Modocs, which cost the government one third of a million in dollars, exclusive of pay and equipment of troops, and a casualty of one hundred soldiers, killed and wounded, not counting hapless settlers and their heavy losses in property. Of the eighty warriors who started the war, fifty survived, with over a hundred women and children.

General Davis was ordered to try the captives by court-martial, regardless of the demand by Oregon for the surrender of certain murderers among them to her civil authorities for trial. Meanwhile a band of Hot Creek Indians, under transmission to Boyle's camp, were attacked by masked men and four of them shot. No investigation followed this cowardly deed. The court-martial, which sat between the 5th and 9th of July, condemned to death Captain Jack, Boston Charley, Sconchin, Black Jim, Watch-in-tate, and Sloluck. The sentence of the last two was commuted to imprisonment for life at Alcatraz, where they died; the other four expiated their crimes on October 3d, at Fort Klamath. The renegades who had assisted

to capture them were granted their lives, yet two of these were ringleaders, and the worst characters in the band. The remnant of the Modocs, one hundred and fifty-five, including forty-two males, were moved to Indian territory, under the chieftainship of Scar-faced Charley, their most cultured representative. School and agricultural training has made them gentle and nearly self-sustaining. Old Sconchin remains with his peaceable followers on the Oregon reservation.

Whatever the opinion concerning Modoc character and claims, a certain admiration must be accorded to the stubborn determination of the band, and its success in so long resisting with a mere handful of warriors the overwhelming military forces, supported by a wide-spread community bitterly hostile to Indians. The country was favorable to guerilla warfare, however. The Modocs were acquainted with every foot of the ground, and used to a flitting forest life, while the troops were hampered not alone by inexperience in this respect, but by rigid regulations unduly enforced by officers with deficient training for such service. The former had, moreover, secret allies among the apparently neutral tribes of the region, which were only too glad to aim an indirect blow at the white invaders. Nor were traders lacking, or even officials, who found it to their interest to prolong the campaign. Once started on the wàr-path, the Indians were prompted both by fear of vengeance and by the hope for some happy turn of affairs to persevere.

Eastern people, safe in their seclusion, could not understand the danger and suffering of pioneers with wives and children and scanty means, exposed to the mercy of exasperated natives. They felt inclined rather to sympathize with a brave minority apparently fighting for hearth and home, for existence, against ruthless frontiermen and soldiers, intent alone on usurpation and glory. Their representations before an administration equally unconscious of the real state

of affairs brought about the issue of instructions which tied the hands of both settlers and troops, and were the principal cause for the prolongation of the war and the many attendant misfortunes.

CHAPTER XX.

SOME CHINESE EPISODES.

Bom.—So have I heard on Afric's burning shore
A hungry lion give a grievous roar;
The grievous roar echoed along the shore.
Artax.—So have I heard on Afric's burning shore
Another lion give a grievous roar,
And the first lion thought the last a bore.
—*Bombastes Furioso.*

In the annals of our coast there is no fouler blot than the outrages perpetrated at various times and places upon Indians, Mexicans, and Chinese. Viewed from any standpoint the aspect is revolting. As a free and forward nation we fling over the walls of a close despotism sentiments which would have disgraced feudalism. As a progressive people we reveal a race prejudice intolerable to civilization; as Christians we are made to blush beside the heathen Asiatic; as just and humane men we slaughter the innocent and vie with red-handed savages in deeds of atrocity.

Let the diabolism rest where it belongs, with unprincipled demagogues and our imported rulers from the lower social strata of Europe; such is surely not the sentiment of true, high-minded American citizens. It is infamy enough for our people to bear, that such things are permitted in our midst. Since our first occupation of these shores the better class of citizens from the eastern United States have discountenanced impositions upon foreigners. The foreigners themselves, and chief among them the low Irish, are the ones who must bear the blame. To question a right guaranteed by constitution and treaty, to punish the innocent, to prosecute the unoffending, cruelly to en-

tertain the weak, and despitefully to treat the poor is no part of Anglo-American character. I have yet to find the first instance where atrocities upon the Chinese were not condemned by the community, by nine-tenths of them, and by those who opposed by every fair and humane means the presence of Asiatics in our midst. Accursed be the day that made from the distempered slums of European cess-pools the first American citizen, and gave him power so to influence for evil our politics!

Prominent among the outrages in California upon the Chinese are those at Los Angeles in 1871, and in Chico in 1877. There are thousands of minor impositions, from the stoning of a pig-tail by school boys, to the massacre of a Chinese mining-camp by bad-blooded diggers, many of which I have given elsewhere, but most of which were unrecorded, save by the avenging angel. Yet these two instances illustrate the extreme to which this spoliation has been carried in California.

Negro Alley was the Barbary Coast or Chinatown of Los Angeles. The alley itself was a small street connecting this hotbed of human depravity with the business portion of the city. The two quarters, so near and yet so socially distant, were in marked contrast, as marked as the Five Points and Broadway, or as St Giles and Piccadilly; old-fashioned, low, one-storied, whitewashed, tiled, windowless adobe buildings standing amidst filthy and unkept surroundings characterizing the one, and brick warehouses, banks, and gay shops the other. The denizens of Negro Alley comprised the dregs of the nations. Asiatic, African, and European, Latin and Indian there lived in unholy association, and for vocation followed thieving and murder. This was the nest, the city quarters of that large fraternity of crime that fed on southern California, Arizona, and northern Mexico. It was the rendezvous of bandit, burglar, petty thief, and gentlemanly highwayman, of men of all

sorts, to be bought with money, and some for a very small amount.

In this the lowest of terrestrials made their abode, adding their full quota to the general fund of filth and demoralization. One of their institutions alone, the brothel system, occupied about two-thirds of a block. As elsewhere among the Chinese in California there were two rival companies whose antagonisms often broke out in battles of greater or less degree, from fisticuff to firearms. A case arose concerning a woman which excited unusual animosity between them. As a rule the Chinese were able to manage their own trials and punishments, and administer justice among themselves after their own fashion, even to the execution of offenders capitally, and to keep their proceedings covered from the eyes of the law. But their women, almost all of whom were held as chattels and for vile purposes, were sometimes too much for them. By throwing off the yoke for the purpose of marrying or other object, and appealing to the law they were of course protected from their owners, though their lives were endangered thereby.

On Monday the 23rd of October, 1871, the prologue of the present tragedy was recited. The Ah Choy company accused the Yo Hing company of abducting one of their women, and marrying her Melican fashion to one of their own men, in order to deprive the Ah Choy company of their claim to her. Women were worth then about $400 each, and the outrage was not to be submitted to. Loud caterwauling ensued; then knives were drawn and pistols fired. No damage was done before the contending parties were arrested though a Yo Hing jacket was pierced by two bullets. Next day a preliminary examination was had before a justice of the peace, and bail fixed for appearance in court the following day, in one case $500, and in another case $1,000. The manager of the Ah Choy came forward and proffered security, when, the question arising as to his ability to pay, an officer was sent to

examine his effects. The exhibit of $3,000 in gold and a large package of greenbacks was reported as the result, and the bond accepted. This display of wealth may have had its influence in feeding the fires of violence which followed.

Free again, the Chinamen returned at once to their fight. Their hatred for each other was now thoroughly aroused; fighting men had been brought from a distance, and to death or any other consequence they had become ravingly indifferent. Renewal of the contest having been anticipated, scarcely were their shots again heard when mounted officers were on the spot attempting new arrests. But the Chinese, infuriated by the interference of law, as well as by their own quarrel, pointed their weapons at the approaching officers, and firing fled to their dens. Spectators coming to the rescue, the officers again advanced, and were again fired upon, this time with more fatal effect. An officer, and a citizen, Robert Thompson, were struck, the latter dying in an hour and a half. Others were also wounded. The assailants retiring, the Asiatics for a moment were masters of the field.

Thus far the Chinamen were wrong and deserved punishment, while the officers and the people acted rightly. But now followed one of those outbursts of demoniacal passion but too common in countries where the people are accustomed to think and act for themselves. Attracted by the firing, a crowd had gathered. Houses in the neighborhood had been closed, and iron shutters fastened. And now at the sight of blood, quicker than it takes to write it, a chain of men was thrown around the block so that none might escape. The evil element of the place, some in hope of plunder, others from love of slaughter, rushed to the front and assumed the offensive. Scores of pistols were drawn, and for a moment the shot rattled briskly against the Chinese tenements; then all was still. But it was the murderous stillness of the monster making ready its death grip. Then low curses

were heard, hissed and whispered at the first, but rising into louder denunciations against the whole heathen brotherhood as it ran along the line. Fire was proposed to burn them out; but fear of general conflagrations brought forward those whose property would be endangered, and the plan was abandoned. Good citizens interposed their cooler counsel, but without avail. The opportunity for blood and plunder was too good to be lost. Revenge upon a weak and helpless race, upon those who had never injured them, upon those whose only crime was a too plodding industry, was likewise uppermost in the minds of many.

Presently one of the besieged attempted escape. With a hatchet in his hand he issued from one of the houses, and running along the front a short distance endeavored to cross the street, when he was captured by an officer, and led away toward the jail. The crowd followed crying "Hang him!" "Take him from Harris!" "Hang him!" One of the mob tried to plunge a knife into his back. He was a little Chinaman for such big revenge. Finally when half way or more to the prison he was taken from the not unwilling officer's hands and hanged, hanged to the crossbeam of a gateway convenient, bungingly hanged until the little fellow was very dead.

The dance of death was now fairly opened. Like the flames of a city burning, the conflagration of fiendish passion roared and surged round the hapless inmates of the Chinese block, as the crowd with brutal ferocity fell afresh to their sanguinary task. The sheriff with all his assistants sought now to divert the fury of the fiends. The citizens likewise lent their aid. But all in vain. Satan himself was piping for his own to dance.

With yells of savage blasphemy in answer to the cry for more blood, another rush was made upon the buildings. Mounting the roofs, they tore away the tiles and fired upon the inmates, an exultant yell following each successful shot. Wherever it was possible about

the tenements to open with axe, or bar, or sledge an aperture through which to fire, it was done. For three hours this continued at sickening length. At last the doors of the charnel-house were broken open and a sea of horror, shrouded by the dismal night, rolled stifling over the senses. Sprawling in their gore, crouching in corners, and under banks were the mangled forms of moaning men, and women, and children upon whom this terrible destruction had come thus suddenly. Little respite the rabble gave them. Dragging from their hiding places the trembling inmates, one by one they brought them to the door, where others halted and hurried them to execution. A cluster of three were hanged to the end of a gutter-spout overhanging a corridor; other three were dangled from the edge of an awning; four were strangled at the sides of a wagon; four were taken to the gateway where the first was executed and suspended from the same beam. When the rooms were emptied of their living occupants, the bodies of three who had been shot to death remained, and many others wounded. Of those hanged one was a mere child, and children assisted at the execution. "Most of the whites engaged in the hanging," writes an eye-witness to the San Francisco *Bulletin*, "were men of Hibernian extraction, men in whose countenance you could easily distinguish the brute nature that controlled all their actions, but none of that face divine we are so often delighted in looking upon. And these men had all their brutal passions wrought to the highest pitch. But were any stronger evidence necessary of the utter demoralization of this mob than that already adduced, we find it in the fact that the city gamins were sprigs of humanity not yet having entered their teens, and alas! women participated in the night's hellish proceedings. Instances of both actually came under my own observation. At the place of execution on Los Angeles street, a little urchin, not over ten years old, stood on the top of

the awning from which the Chinese were hanged. He was as active as any one in doing the hanging. His childish voice sounded strangely at that time and place, as he called aloud for more victims to sacrifice to the demon-god; and it was a stranger and sadder sight still to behold him lay his hand to the rope, and help them haul them up. And in the background was a woman looking on. Her brogue betrayed her extraction. She loudly congratulated the lynchers on the performance of their diabolical work, and encouraged them to continue." Three of the four Chinamen who fired at the officers escaped, and only one of those killed is known to have in any wise offended the law. It was a most inhumane massacre of innocent men.

Satiated somewhat with blood, the mob now permitted the sheriff to drive such unslaughtered Asiatics as he could find to prison for safe-keeping. Then the work of robbery began, which action stamps at once the character of those by whom the murdering was done. Locks were broken and general pillage followed. Every room of the Chinese houses in Negro alley was ransacked, and every shelf, trunk, and drawer cleared of its contents. Even the pockets of the murdered men were picked, and from one, a Chinese doctor, the clothes were stripped while he was yet hanging. From one was taken $400 while on his way to jail; $7,000 was found in the money-box of a store; the amount secured by the mob was estimated at from $20,000 to $30,000. The whole affair occupied about four hours, closing with half-past nine on the night of Tuesday the 24th. At 11 o'clock all was quiet in Negro alley, but it was the quiet of death and desolation.

Attempts were made to bring the murderers to justice; but law is poor and puny, in such a case it did what it could. At the coroner's examination witnesses were extremely careful how they testified lest they should implicate a friend or bring upon them-

selves the vengeance of desperate men. "The evidence so far," says a telegram of Thursday, "implicates two Irishmen, one having boasted that he helped to get away with three Chinamen." And writes another, "Let those at a distance not be too hasty in passing judgment in this matter. These acts of atrocity were perpetrated by a comparatively small number of men, of the very worst class in the community." The grand jury of Los Angeles indicted thirty-seven persons for riot. Two of them were also indicted for assault with deadly weapons, two for assault to commit murder, and twenty-five for murder.

They stated in their report that the parties engaged in the disgraceful scenes of the 24th of October were "the worst elements of society, and in their cruelty, and savage treatment of unoffending human beings, their eagerness for pillage and blood-thirstiness exceeded the most barbarous races of mankind. No attempt was made by any officer to arrest persons engaged in the taking of human life even in their presence. Hundreds of law abiding citizens, who were unwilling witnesses of the sad spectacles of that night, would have quickly and cheerfully assisted in ending the anarchy had some resolute man, clothed with authority, placed himself at their head.'

One dark, rainy night in December 1876, fifty or sixty men, most of them armed with guns and pistols, met in the woods near Chico for the purpose of adopting measures for the extermination of the Chinese in that vicinity. Their immediate plan was to fire the Sierra mill, where Asiatics were employed, and to burn both Chinatowns. During the session their emissaries were out, gathering with guarded intimations recruits from among those known as favorable to the cause, who as they approached the assemblage cried "You" and were answered "You" such being the pass-word. After some parley they began to divide into three parties for the three proposed burn-

ings, when opposition arose, some saying that they were opposed to Chinese labor, but they were also opposed to burning property. Many were in favor of the most sanguinary measures, which should stop at nothing short of killing all the Chinese together with their white employers. The discussion waxed warm, and continued so late that action was postponed, and the conspirators departed to meet openly in the town hall the second night thereafter. At the place named, and at two subsequent open meetings the question was freely discussed, many opposed to violence taking an active part in the proceedings.

But there were those bent on blood whom mild measures would not pacify. These met secretly again at Armory hall; and when those who favored clearing that locality of Chinese by killing and stampeding them were called upon to enroll their names, some sixty or seventy came forward and and signed the compact. Constitution and by-laws were then adopted. The organization was named the Anti-Chinese and Workingmen's Association. Officers were to be elected by ballot to serve for a term of six months, and were to consist of a president, vice-president, secretary, corresponding secretary, treasurer, marshal, inside guard, and outside guard. To be eligible for membership the applicant must be not less than eighteen years of age, and must hold opinions opposed to the presence of Asiatics, and to those who employ, patronize, or advise them, or lease them houses or lands. An initiation fee of one dollar was named, and signs, grips, and passwords adopted. Officers of the law were to be resisted if necessary, and the word "Nine" was the cry of distress. The arm raised over the head with the palm of the open hand forward was a signal for help.

For greater efficiency the management was entrusted to a Council of Nine, consisting of three captains and six lieutenants, who were themselves to execute their decrees, though they might call on any

member for assistance, and do all the necessary burning and killing, which latter might include white men as well as Chinamen. Oaths were administered promising secrecy and implicit obedience to the orders of the council of nine, under penalty of death. Over 150 members were enrolled upon this basis. The council of nine had their secret place of meeting, which was over a butcher's shop, where they entered one at a time.

Most Californian towns are satisfied with one Chinese quarter. Chico had two, besides scattered clumps of Celestials in their shingle shanties or white tents wherever they happened to be at work.

The first meeting of the council of nine was held in February 1877, on which occasion it was proposed to burn old Chinatown. Failing to reach a conclusion, the meeting adjourned to the second night after, when the proposition came up to burn both Chinatowns. As time and the cause progressed the killing of six prominent citizens was seriously discussed. John Bidwell was specially obnoxious for employing Chinese, and opposing coercion. Said Wright the stableman on one occasion, "If the council orders me I will go out and return immediately with Bidwell's scalp."

A secret society called the Order of Caucasians had existed for some time on this coast, based upon ignorant and fanatical opposition to Mongolians. This organization was composed mostly of foreigners, with a few American mountebanks, who for the privilege of acting as leaders did not hesitate to pander to the lowest passions and prejudices of the demented fanatics. While affecting great regard for law and order, they bound themselves to principles tending to the most diabolical crimes. Caucasian clubs, or encampments as they were called, were scattered throughout the entire country. Second only to their outrageous measures against Mongolians was their declared antagonism against American citizens who employed or

befriended the Chinese. Was ever such impudence heard of? By these alien hodcarriers, and the political pimps their associates, such citizens of the United States as preferred to employ Chinese to Irish were denounced as public enemies, whom to injure within their coward limit of law was imposed as a duty! The following extract from the Caucasian constitution speaks their condemnation in stronger terms than mine. "Each camp and every individual Caucasian, and every encampment, and the supreme camp, pledges to each and every merchant, manufacturer, and trader, traveler, mechanic, and laborer, thus acting, all their individual and combined influence, power, advertisement, and patronage; and shall oppose to annihilation by every manner and means within the thin gauze of the law all others.

"And it shall be the bounden and solemn duty of every Caucasian, of every camp, encampment, and the supreme camp, to pursue and injure every one while he remains on the list of public enemies, and each and every one forever, in all their walks of life, save religion, morality, and person.

"Every Caucasian, every camp, every encampment, and the supreme camp, shall labor to impede, harass, and destroy a public enemy by every mode and means, and manner, known and unknown, within the reach of brains and thought and act, and within the bounds of law.

"In his business, his means, his substance, his peace and success, publicly, privately, socially, commercially, and above all politically.

"Should property be lost because of such duty, the same not being insured, upon the proper showing encampment shall pay the fullest insurance that might have been secured upon such property; and insured or not, encampment shall aid the faithful brother financially and in his credit to replace all losses.

"Should loss be occasioned because of the duty of

Caucasians in regard to the property of public enemies, camps shall appraise the loss, pay it immediately to the fullest farthing, and forward receipt and certified copy of such appraisure to the secretary of the encampment.

"A Caucasian who knowingly breaks his pledge as regards public enemies, shall be charged with perjury, and if guilty, declared a public enemy, and if an officer perpetual public enemy."

With no other charge than that an employer had discharged white labor and substituted Chinese, or contemplated doing so, threats were made of fire and death; and humiliating was it to see these free white Americans come forward and disclaim such intention, tacitly admitting the right of the questioners to place them under bonds. The evil effects of this society, besides frequent outbreaks of violence which might be traced directly or indirectly to it, were seen in the bold defiant tone assumed by its members, and in the idlers that crowded the streets and who would not work except at exorbitant wages.

Living at this time in Chico was a launder, John Slaughter, a name significant of celestial achievement, native of Arkansas, born of a Cherokee mother, and aged twenty-three. He was a member of the workingman's association, to join which he discharged all the Chinese in his service, hoping thereby to obtain the patronage of the members. Philip Romles was his partner, and the Chinese washermen ran them a strong opposition.

Not long after John Slaughter had joined the league, a stableman, Henry C. Wright, also a member of the brotherhood, who had killed his man in Nevada, and with H. J. Jones had burned Bidwell's soap factory, informed John Slaughter that he, his brother Charles Slaughter, Wright, and F. Conway, were ordered by the council to assist at the burning of the Chinese quarters at a time named, and that all were to take an ironclad oath never to divulge the

plot nor to be taken alive. Meanwhile some difficulty arising between the council and their president A. M. Ames, the adventure was postponed.

After this, meetings of the order were regularly held Monday nights, the council discussing proposed burnings and killings. It was ordered that Ben True should be assassinated for guarding the Chinese quarter after the attempt to burn their houses had failed. On the night of March 8th, Eugene Roberts and John Slaughter met opposite the Chico hotel.

"Business," ejaculated John.

"What business?" asked Roberts.

"Some of us are going to burn old Chinatown," John replied.

In an open space in the rear of the town they met about twelve o clock that night. One of the number, Holderbaum, obtained three sacks of straw, and saturating them well with coal oil started for the Chinese quarter. For half an hour after the dogs barked so loudly they were obliged to keep off, but finally they succeeded in shoving the straw under a house occupied by a Chinawoman and igniting it.

Next, the incendiarism of the Butte Creek Gardens, whose tenements were rented by Chinese was ordered, and this time more distinguished action followed the order. By the council of nine James Fahey was directed to reconnoiter, while the others, armed, should hold themselves in readiness.

"There is a big lot of Chinamen down there," said Fahey on his return.

"It's got to be done, I suppose," ejaculated Wright.

"We have to begin some time and somewhere; so far it has been all talk and no cider."

"I didn't know I had to murder men when I joined," said Slaughter.

"The council have to father this job, as I'm out of it," growled Fahey, as he walked off toward the room over the butcher's.

At 7 o'clock on the night appointed, near Chico

Creek bridge on the Dayton road, the men again met, and immediately set out through the fields west of the race-track to Edgar slough, and then up the Oroville road to the first Chinese camp opposite which they stopped. Charles Slaughter was now of the party, and also Eugene Roberts, a native of Concord, New Hampshire, twenty years of age, a butcher's butcher by occupation. The latter did not know what infatuation led him into the folly, nor did any one else, unless it was the inspiration of the council of nine that overshadowed him as he sawed bones and cut and chopped meat in the room below. In the vicinity were three Chinese camps; and filled now with the demon of destruction Fahey wished to burn them all; but it was thought best by the others to take the first one that night and leave the others for another time.

Close at hand where they now stood, and near the huts, was a barn partially filled with straw, to which through a crack Roberts applied fire. Then they all ran down behind the banks of the creek near by and made ready their pistols to fire upon the Asiatics as they came out. Rare sport! A dog giving the alarm the fire was put out. Then crawling up to the shanty nearest the barn they began to fire into it. The inch boards of which it was made, with the spaces exposed by the cracks and windows, afforded not the safest protection, and the occupants watching their chance opened the door, dodged the bullets, and ran into the bushes. Charles Slaughter then fired the barn for the second time, and it burned to the ground. This was laurels sufficient for the night. Returning to headquarters and reporting, they were commended for the bravery and skill with which they opened the campaign. John Slaughter was made lieutenant and others promoted.

On the Humboldt road two miles east of Chico, at Chris Lemm's ranch, stood a shanty tenented on the night of March 14, 1877, by six Chinamen, whose

occupation just then was clearing a piece of ground by contract, which work had been previously offered to white men, and by them refused, at four dollars an acre more than the Mongolians received.

In the afternoon of the day mentioned, Roberts called at Slaughter's laundry and asked John to accompany him to the slaughter-house and assist in turning up beef. John assented. While engaged at their work Roberts paused as if a thought had suddenly struck him.

"Let's go up and burn the China cabin on Lemm's ranch," he said.

"Agreed," replied Slaughter. "Who will go?"

"Fred Conway and I, Thomas Stainbrook, and Charles Slaughter, making five in all," said Roberts.

The party met according to agreement just above the house of Robert s father shortly after 7 o'clock, and proceeded up the Humboldt road toward Lemm's rancho, Roberts and John Slaughter marched before, and the others followed. Roberts was captain of the occasion. A wagon passing, all hid themselves behind a log. Neither Conway nor Steinbrook knew the exact nature of the work to be done; hence they were somewhat startled upon Robert's cooly remarking as they neared the hut, "Unless we kill the Chinamen we will be arrested." They did not object to rob them and burn the premises, but they were not prepared to murder. The others were, however, and it was too late now for any to retreat. None of them were disguised. Scaling a fence the party approached the house and entered. Within were six Chinamen lounging off the fatigues off a hard day's work in various attitudes about the room. Instantly every one of them were covered by revolvers in the hands of the assaulting party. They were then ordered to come forward and seat themselves close together on the floor. While three of the assailants stood guard over them, two, Roberts and Charles Slaughter emptied their pockets and examined the

premises. A carpet-bag and valise were broken open but nothing of value discovered. Taking from his pocket a bottle of kerosene Roberts emptied it upon the victims and about the floor. Then calling upon all to make ready, he cried "Fire!" and each selecting his man four of the six unfortunates fell dead, and the other two so badly wounded that they were supposed to be killed. Some of the party fired twice. The murderers then fled, taking different routes back to town, and neglecting in their awe-stricken haste to fire the premises as they had intended.

It was about 9 o'clock that the killing was done, and at ten the murderers were at their homes and most of them in bed. Peaceful must have been their slumbers that night. It had been agreed that in case any of them were arrested Wright should swear they were in his stable at the time.

The 16th of March a public meeting was held at which it was agreed 'that the citizens of Chico view with horror the assassination of peaceful Chinamen, and the indiscriminate destruction of property which has prevailed recently in our midst, and we pledge ourselves to use our utmost power to bring to justice the perpetrators of these outrages, and to this end will cheerfully second any efforts of our officers." Indignation ran high on the afternoon of the same day, when it was discovered that a notice had been posted on the office door of the Keefer rancho cautioning the proprietor against the employment of Chinese under penalty of destruction of the premises. Two men were arrested on suspicion.

Next day the excitement was still more increased by the receipt by many citizens of threatening notices, all mailed after eight o'clock the night previous. "Get rid of your Chinese help within fifteen days or suffer the consequences." Signed "Committee." A threat was sent to an officer by mail that if he took any measures for the detection of the murderers of the Chinamen, he himself would be killed. The question of

forming a vigilance committee was seriously discussed by the citizens. The law seemed petrified; if anything was to be accomplished the people must do it. A reward of $1,500 was offered by the people of Chico, $500 by the Chinese association called the Six Companies of San Francisco, and $1,000 by the governor of the state. By the 27th eleven arrests had been made, one of a man caught mailing an anonymous letter to an officer threatening death if he attempted to arrest the incendiaries. All were members of the workingmen's association, and six were reputed Caucasians.

The first arrest was that of Conway who was detected mailing threatening letters. Shadowed for two days he was finally arrested, and after two days confinement exposed the whole plot. Wright, and the brothers Slaughter, each confessed on being brought to prison. After a preliminary examination at Chico the prisoners were moved to Oroville for trial the 27th of March. An attempt at rescue by the fraternity was feared on the day of removal, and eight men armed with Winchester rifles acted as escort. Four thorough-brace wagons conveyed them from the Chico prison to Oroville. A large throng gathered to witness their departure. The prisoners were in fine spirits. They seemed to feel the sustaining presence of the brotherhood, and that the people were with them. Not one of the five murderers manifested the slightest fear of punishment, though by their own confessions guilty of most dastardly villainy and doubly worthy death.

Arrived at Oroville, the prisoners were met by a large concourse of people. Here for the first time they began to show signs of fear. They noticed the change in the atmosphere; there were few admiring or sympathetic glances from that crowd; and the same guard which so lately kept them from their friends, now stood between them and, perhaps, more summary justice. All the Chinese at Oroville gath-

ered round the jail to see the murderers of their countrymen, heavily ironed, taken from the wagons and thrust into jail. It did their hearts good thus to behold the brave Caucasians, and they went immediately to work gathering friends to give them a severe prosecution at the trial. Conway, he who first confessed and thereby betrayed them all, was kept at a safe distance from the other prisoners; he was brought over in a separate wagon and confined in a cell apart, lest they should tear him to pieces.

At half-past ten on the 30th of March the Chico stage drove up to the Oroville courthouse, and seven more of the incendiaries and murderers, closely guarded and heavily ironed, were added to the first. This completely filled the jail, and most of the cells contained two occupants. By this time all the bravado of the prisoners had left them; that which at first they regarded as a good joke now assumed the gloomy aspect of death. Roberts was the coolest of any; he believed he should be hanged, he said, and spent much time reading his bible. Conway was regarded as half idiot; he appeared indifferent as to what became of him. Ames, first president of the workingmen's association, was wild with excitement, and it was feared he would become wholly insane.

The 2d of April a grand jury was impanelled at Oroville, and the town was filled with people. Meetings were held by citizens and farmers of Butte county, who were determined to rid the country of the class then in prison. All members of the order of Caucasians and of labor unions were excluded. The 5th of April the grand jury came into court and reported true bills found against seven for murder and seven for arson. Among those indicted for murder were the five perpetrators of the Lemm's rancho villainy. Yet, as too often happens in the annals of crime, the most guilty, the instigators of the outrages were permitted to escape. To obtain their own discharge, members of the council of nine had but to

ignore participation in or sanction of the murders. The people of Butte county were indignant when they learned that the arch-conspirators had been so quickly liberated, and good men everywhere were dissappointed. But this is the old, old story. Instead of canonization, our courts need renovating, revolutionizing, remodeling. They are a disgrace to civilization. We want twice the efficiency, twice the detection, conviction, and punishment of crime for one-half the money it now costs

On the 7th of April those indicted for arson alone were arraigned. Among these was the stableman H. C. Wright, the coolest and most reckless of them all.

"Have you a lawyer?" asked Judge Safford of him.

"No sir."

"Do you want one?"

"No sir."

"Are you guilty or not guilty?" then asked the clerk.

"Guilty," said Wright.

Adam Holderbaum pleaded guilty to arson in the second degree. Five were convicted of arson in the second degree and sentenced, one to twenty years, two to ten, and one to five years in the state prison. The 18th of April H. T. Jones was brought into court and convicted of arson in the first degree.

While this trial was in progress a barn was fired by the incendiaries and burned to the ground. Charles Slaughter then pleaded guilty to arson in the second degree. Next John Mahoney was tried for arson, and John Slaughter attempted to assist him by false swearing. Thomas Stainbrook's case was called for trial the 23d of May, and was followed by those of Charles and John Slaughter, E. R. Roberts, and E. Conway. Stainbrook was sentenced to twenty-seven and a half years' imprisonment, and the others to twenty-five years each.

Perhaps we should be satisfied with an aggregate

of little less than two centuries of servitude for the killing of three Asiatics, and the burning of a few buildings. The presence of too many low Mongolians in our midst is not conductive to the highest civilization; and yet these Chinese were men; they were coolly and wilfully murdered; the assassination was as foul and deliberate and unprovoked as any to be found in the annals of crime; the law makes such killing punishable by death; and yet these murderers were not so punished.

About this time M. Atherton was tried at San José for the murder of Edgar May at Santa Cruz, while the latter was in a state of helpless intoxication, and the murderer likewise drunk. Atherton was sentenced to twenty-five years imprisonment. Now these sentences, all of them, done into English, simply say that the killing of Chinamen, and killing done by drunken men is not murder. It is difficult to understand why courts and juries any more than vigilance committees have the right to break the law, or to subvert its just operation.

During these proceedings a Citizen's Safety Committee had been organized at Chico, of which Mr Theil was appointed treasurer. Hung upon the shutter of Mr Thiel's store on Second street the night of April 8th was found the following missive written on a half sheet of dirty note paper. It is hardly up to the standard of average communications of this sort, though it caused much uneasiness, particularly among owners of grain-fields.

"The devil dreeme on the Chinese question. There are three or four men in this city has been making dam fools of themselves in regard to the damed Chinese that will get anufe of it before the first of August. You must remember it seldom rains here after the first of June, and when everything is dry a match will burn without sacks of straw or karseen either, and we will also give the farmers of this country notice to look out this season for everi grain. Every

mans ranch reaped or stacked by the Chinaman is liable to tak fire from the Heat of the sack or the spark from the smoke sack. It looks bad to do such work but if our state oficers done do something in pertection of the poore we will half to carry it out ourselves and it will be in a ruff manner to from

T. O. MUGINS.

"To the Public."

The instruments of the Chico outrages were less fanatics than fools. Individually they had nothing to gain and everything to lose by becoming the blind tools of those who had nothing to lose and everything to gain by warring on a non-voting class. The antagonism of the stableman and the butcher's clerk to Chinese laborers was inspired neither by race antipathy, fanatical hatred, nor industrial interest. Vulgar brutality seems to have been the primary instinct prompting them, and next to this petty plunder. Believing themselves safe from punishment by reason of their secret associations, flattered by those who set them on, they flung forward the bridle rein of their evil natures, and let their low tastes lead them whither they would. Secret societies organized for the accomplishment of a pretended public good, and then lending themselves to the commission of crime, cannot be too severely denounced by every lover of honest law and open liberty.

CHAPTER XXI.

COURTS OF JUSTICE AND COURT SCENES.

Conrad.—Away! you are an ass, you are an ass.

Dogberry.—Dost thou not suspect my place? Dost thou not suspect my years? O that he were here to write me down an ass! But, masters, remember that I am an ass; though it be not written down, yet forget not that I am an ass. No, thou villain, thou art full of piety, as shall be proved upon thee by good witness. I am a wise fellow; and, which is more, an officer, and, which is more, a householder; and, which is more, as pretty a piece of flesh as any is in Messina; and one that knows the law, go to; and a rich fellow enough, go to; and a fellow that hath had losses, and one that hath two gowns and everything handsome about him. Bring him away. O that I had been writ down an ass!

—*Much Ado About Nothing.*

1st Clown.—Argal, he that is not guilty of his own death shortens not his own life.

2d Clown.—But is this law?

1st Clown.—Ay, marry is't; crowner's quest law.

—*Hamlet.*

COURTS of justice in California were, in early times, equal if not superior to those of any new country or border settlement founded since the days of Justinian—equal if not superior in ability, stupidity, or what you will. Anything that courts of justice could do any where or under any circumstances, good or bad, ours could achieve. Yet I may safely say that the judges, on the whole, were honest men; and while frequently neither educated in law nor specially fitted for the position, they were far above the average magistrates in general intelligence and practical judgment. On the supreme bench and presiding over the district and county courts, particularly in the cities and more thickly populated parts, have been from the first occupation of the territory by citizens of the United States until the present day, as able and erudite jurists, men of as broad and enlightened intellects, as might be found elsewhere in Europe or

America. Some were dissipated, but for the most part they were men of integrity. Even during the most lawless times there were sitting on the judicial bench of California men whose purity of life and character was never questioned. And to-day a corrupt judge is the exception, not the rule. With pride I point to our judiciary, and to the better class of attorneys who practice in our courts. True, a judge may be bribed sometimes, not knowing it; or he may be swayed by public opinion, not knowing it; he may be feasted by bonanza men, or given a free ride across the continent by the wholesale corruptionists of the railroads, and so warp his decision in their favor—not knowing it. Unfortunately as much cannot truthfully be said of our legislators and political office-holders who, during the usually short term of their occupancy, seek rather to serve themselves than the public. These are never bribed without knowing it, as they always require pay in advance.

During the flush times, the days of which I write, we find some dolts and some wilfully wicked men seated even on our higher judicial benches. Through the absence of strict social restraint arose laxity in moral observances and legal formulas. Among the people, vigor of mind broke out into numerous eccentricities; or, rather, the preöccupied citizen, acting naturally and independently, not thinking wholly of himself, his dress, and manner, claiming for himself the utmost freedom, eating, sleeping, walking, speaking as best pleased him, threw aside some of the eccentricities of fashion, and in so doing to the unenfranchised appeared eccentric. Leaving the marts of business for church worship, the same eccentricity of thought, or lack of it, is manifest, though in form devotion was not greatly changed. In such a society it is but natural that from tribunals of justice, as well as from its ministers, some part of that severe decorum which characterizes more staid and superstitious communities should be removed.

Whence arose, carrying in some things their liberty into libertinism, the not unusual sights at one time of chief justice and courtesan promenading the busiest thoroughfare in company; of supreme judge seated behind a gambling table dealing faro, and surrounded by lawyers, politicians, prostitutes, and friends; of supreme judge drinking to drunkenness, carousing all night in elegantly furnished halls of infamy, fighting duels, assaulting citizens, and burdened so heavily with debts incurred by licentious living as to become the willing tool of whomsoever would buy him up and offer him for cancellation by the easy though conscienceless method of warped judicial decisions.

While such a state of things existed at the fountain-head of justice, we should not be surprised to find its lower channels somewhat turbid in their flow. While Mammon and Gammon sat upon the supreme bench, it was not difficult to determine what sort of pleading was required to win a cause before that tribunal. While he who during the morning hours listened as associate justice to the cases brought before one of the upper courts of the metropolis, in the afternoon stood by and witnessed a deliberate murder, of which he had foreknowledge and was accessory, being the murderer's friend he would naturally hurry him to prison as to a place of safety.

Between these two extremes of the best and the worst, in the city and in the country, every shade of character was to be found among the judiciary of California. Nor did personal immorality by any means imply judicial corruption. At a time when the female element was meagre, deference was paid by all classes to the female form, even though its dress covered corruption; nor was it very damaging to any man's reputation, when everything was public, to be seen in conversation with a public woman.

Gambling and drinking saloons were places of public resort; all classes there met and mingled freely. The person so prudish as to hold aloof from such

places made few friends. There was nothing disreputable at that time in being seen in a saloon, and a man would be regarded mean who enjoyed night after night the shelter, light, and society of the place without ever spending a dollar there. Judges of course frequented drinking saloons; men who never patronized such places were seldom made judges. A judge's morals were his own, they said; his official acts alone belonged to the public.

The men of chivalry, who indulged in the duels and street encounters, being of all men devoid of the pure article, were of all others the most sensitive to what they called their honor. It so happened among those of them who were judges that their ideas of honor accorded with equitable decisions; though like many professors in other directions their practice was in no wise in keeping with their tenets. But for the most part chivalrous judges, though they might indulge freely in drunkenness, gambling, and licentiousness, when no one was at hand to bribe them, were just and equitable magistrates.

It so happened again that the term gentleman implied fair judgment; though this by no means was always the case. It was with them as with the pompous and punctilious of other ages who had nothing but their pride to be proud of. As to what constitutes a gentleman depends entirely upon time and place. George the Fourth of England, voluptuary, debauchee, egotist, and false-hearted, was called in his day the first gentleman in Europe. Later, dandyism, with some intellectual pretensions, in the person of the Frenchman Count d' Orsay, became the orthodox type. To dress well, to ride well, to swim, shoot, box, wrestle, and play cricket well, were the accomplishments that crowned the gentleman. Lord Chesterfield's gentlemen were made of manners and hollow-heartedness. California's judges were all of them gentlemen, howsoever corrupt or debased they were.

While in the cities, and in the higher courts of the

more settled localities, court proceedings and rulings were governed by precedents and legislative enactments; throughout the mining region, or other distant or thinly populated districts, common sense took the place of common law, while statute-books and precedents were flung to the wind as unworthy a sane man's consideration. Such equipage might do for jurists like "that bloated philosopher, who mistook declamation for eloquence, and affectation for feeling" as Lamartine said of Raynal; but then if they could not reach the truth without the aid of books and book-learning, they could not with them. Away from their bit and harness, these jurists of all-dominating rules and statutes were like that blindly wandering wisdom which looks one way and walks another, and when asked a question, and no books are at hand, *nil dicit*, or like Ignáro, foster-father of Argoglia, answers "I cannot tell."

And they were right. Simple and ignorant judges of simple differences between ignorant men, the simplest and most direct method was the best for them. All the while, be it remembered, these uncouth jurists were in practical sagacity no whit behind their more intellectually cultured brethren of the woolsack. It was a broad unfolding in the evolution of jurisprudence, that such an element as that which infested the foothills from 1848 to 1856 should be so easily and so thoroughly kept in order by their own regulations, carried out by men chosen from among their own number, and with little aid from statutory enactments.

As in religion so in jurisprudence, meaningless forms are becoming obsolete, and substance is the thing considered. Much superfluous tackling has already fallen from court proceedings, and there is more which might profitably be stripped from them; that the well-appointed library of an attorney in fair practice must number its volumes by tens of thousands, and that rulings and decisions must be compiled from those who sat and judged thirty or three hundred

years ago, suggests a further advancement in this direction. What we want is less precedent; in religion less of Patristic dogmas, and in law less reverting to the past for the solution of questions which, if we have availed ourselves of our advantages we should understand better than our forefathers.

Knowledge, either in law or elsewhere, is not alone a looking back, but an eternity of inquiry concerning not only what has been but what is and shall be. When we can no more conceive of a boundary to knowledge than we can conceive of a boundary to space, it is not wise in us to revivify by all our powers dead or dying formulas; for if such a course does not lead to the nihilism of Georgius of Leontini, there is at all events but little progress in it. This same Georgius after all is not altogether wrong in his affirmation that nothing is, or if it be that it cannot be known. Our knowledge comes from nothing and ends in nothing. "Philosophy begins in wonder," says Plato, "for Iris is the child of Thaumas." Nature-worship is the mythology of science, and the myths of Greece reduced to system in the writings of Hesiod and Homer enfolded the germ of all that followed. The pursuit of knowledge is a journey from the sublime to the ridiculous. The end of knowledge is to plunge us yet deeper in the gulf of ignorance. The progress of religion is from the mighty and majestic gods of Homer to the buffoons burlesqued by Lucian; from the deities of savagism, moving clouds, speaking thunder, smiling sunshine and soft kissing breezes, through monotheism and christianity to the infidelity generated by science. Science in its turn on every side soon strikes the unknowable, and throws back the inquirer after ultimate truth upon something akin to nihilism. In the progress of literature, as elsewhere, we see the same principle manifest. In its earliest stages it assumes the form of epic or lyric poetry, of tragedy and historic narrative—the bloody and the real; later, with

a higher intellectuality, we have comedy and romance —the contemplative and ideal.

Now the day is coming when law shall find wisdom in less learning; when from the mountains of ancient and accumulative legal lore, as from the Cretan labyrinth for the imprisonment of the Minotaurs, the thread of simple justice shall be followed until the searcher for the direct path shall be brought out into the clear light of open day. Then it will be manifest to all that between the natural rights of man as arrived at by the gold-diggers, and right as proclaimed by the law and taught by tribunals, the difference is less real than pretended; that the justice of the miners, like their gold, though it had not the statutory stamp upon it was none the less pure metal.

Much truth is treasured up in proverbs and legal maxims, and yet what oceans of absurdities are swallowed when codified under the formulas of truth! There are few of them but would fit mankind as well reversed, that is, if made to say exactly the opposite of what they do say. I have often followed as a pastime this reversing of maxims, and the effect sometimes is marvelous. What matchless subtlety of thought do we find in words thus brought out, such as, An honest god the noblest work of man, Policy is the best honesty, and a host of others; while for the multitude of such meaningless expressions as "Live each day as though it were your last," we find by allowing the mind to dwell upon it for a moment that not the thing said was meant at all, but something else. No one could make a greater mistake than by following literally such injunctions. But they are not intended to be taken literally; all that is meant is to live well every day. Then would it not be better to say so, and not to elevate into a maxim, and immortalize in the name of golden truth, brazen absurdity. Better the sage remark of the crank, Don Quixote, "Everyone is like everybody else, only a great deal

worse"; or that of any one of the several classes in society, each of which has a series of formal expressions containing little or no meaning.

Thus we see there is much in forms and precedents and maxims which, if blotted from the memory of man, would leave the course of justice more clear and logical. There is much cumbersome machinery in court procedure which retards rather than assists in protecting the innocent and punishing the guilty.

It is undoubtedly true that too often in our courts, where reason and sound argument should be the only weapons, coarse expletives and physical violence have been employed, but happily the logic of brute force is gradually becoming unfashionable.

During the time when vigilance committees were a necessity, it is a most significant fact that besides the lower class of evil-minded persons marshalled on the side of law and order were all licentious judges, stabbing jurists, duelling editors, and fighting lawyers. Make out lists of the individual members of the opposing factions and you will find with singular uniformity one composed of persons quietly disposed, honest, industrious, intelligent, and virtuous, and the other of quarrelsome, irate, waspish work-despisers. Any one who will go carefully over the first seven years of the annals of the state, as recorded by the leading writers of the time, will find it almost invariably the case, that those officials prominent in shooting-scrapes, those lawyers fined most frequently for drawing deadly weapons in courts, those limbs of the law who of all others oftenest broke the law, those whom only the law was made to punish—this class was usually loudest in support of law. And why was this? Briefly, for two reasons. First, these manipulators of the law could the more easily shelter their misdeeds under the law; and secondly, the conflict, on one side at least, had degenerated from one for principle to one politically, sectionally, and socially partisan. Some were made to govern,

others to be governed, was the doctrine held by law and order.

In a few instances, before the year 1850 had expired, justices of the peace and judges had been impeached and driven from their seats by the people. But compared with those who at this time were accustomed, either openly or in secret, to take illegal fees, to extort, accept bribes, or otherwise violate their oath of office, the number punished was insignificant. The money-makers had no time to chastise their criminals, to say nothing of judges. True, there was the short, quick way, the only practicable way in ordinary cases; but then they did not exactly like to hang judges, "as it might be ag'in law, like," though they often threatened to do so.

In the first number of the *California Star*, published at Yerba Buena January 9, 1847, are the following pertinent remarks on the custom of smoking in court: "Among the many good rules adopted by our late alcalde, and broken by the present one—not to mention the high-handed violation of the dearest rights of freemen, a refusal of trial by jury, of which hereafter —is that of smoking in the court-room, and this, too, practised almost solely by the judge and his clerk, who are more than half their time puffing forth clouds of smoke from their 'long' nines,' greatly to the annoyance of persons having business in court, particularly those not in the habit of smoking. Besides, I would ask, does it look very dignified for a judge to be delivering a decision in an important case with a cigar in his mouth, stopping every half minute in his address to give a puff or two?"

The following scene in court, which happened at San Francisco in February 1848, is but one of a class. Two individuals met in a liquor saloon, drank, quarrelled, fought. One received a stab in the breast. The other was arrested by a posse of citizens, and taken

before the magistrate, who, after an examination, hinted of quarters in the calaboose. The oaths with which the prisoner interlarded his speech may be omitted without loss.

Prisoner (to the judge). "This is a bailable case, sir, and you can't put me thar."

Magistrate. "It is not a bailable case, sir, and—"

Prisoner (interrupting). "I know its a bailable case; I am something of a lawyer if I am dressed in buckskin. You can't put me in the calaboose, sir."

Magistrate. "Stop, sir, stop, you will have to go to prison if—"

Prisoner. "I go to prison? No, sir! and you can't put me thar!"

Magistrate. "Yes, sir. We'll see!"

Prisoner. "We'll see! and if you go to put me in that thar calaboose you can't live in this place. Yes, sir, I know you, you are a rascal, and you—"

Magistrate. "Be silent sir! Will you hear me?"

Prisoner (in high fever). "Yes, sir, I'll hear you; you are no gentleman! You can't put me in that prison; you are a villain. Don't you dare to put me in that prison. I never was in prison yet, and if you put me thar and want to live you had better leave this place!"

The judge, who was scarcely fit for the emergency, not relishing the aspect of affairs, would have kept the prisoner confined without sending him to jail had not the citizens and members of that town council interfered and compelled him to do so.

Early in 1849 there was a man of somewhat intellectual aspect, fair address, free and easy manner, and that shrewd, practical instinct which in those days passed current for its full worth, who stood about the streets in San Francisco selling peanuts. Although the person was greatly superior to his calling, he seemed by no means ashamed of it. Before he came to California he was—nobody knew what. No one knew or cared to know who any person was before he came

hither. It was enough now to be of California; a new existence dated from the landing at the wharf in San Francisco.

This peanut-seller may have been a doctor, judge, drayman, or printer before coming here; now he was a business citizen of California's embryo metropolis. His business was a good one; nay more, it was large and profitable. There was no such thing as a small business in those days; scarcely such a thing as an unprofitable business. One might lose by fire or speculation, but every well-managed legitimate business was very remunerative. Even peanuts paid. At a dollar a cup-full when one roasted them one's self, and passed them out lively, one could easily afford to dress fairly and board at a five-dollar-a-day hotel as our friend did.

The peanut-merchant made many friends. He seemed as much at home in the best society as in the worst; he was well informed upon all the leading topics of the day, read the news from all parts of the world on the arrival of every steamer, and was at home in conversation equally with the lawyer, mechanic, or petty politician. It seemed never to occur to him, it scarcely seemed to occur to others, that there was anything about his calling low or humiliating. He had come to California, as had all the rest, to make money; and like a wise man he engaged in that which offered the most flattering inducements. Vanderbilt himself could not have found a more lucrative occupation with so small an outlay and risk.

But the peanut peddler was not without his quiet ambition. His traffic had taken him many times a day to the little court-house opposite the plaza, and he was upon the most easy terms with the alcalde, clerk, and constable, besides the lawyers and hangers-on about the place. Being a man of intelligent observation, he had noticed how the increasing business crowded upon the ancient and yet unawakened magistrate of Spanish associations, and that although the

quality of the justice there administered was none of the best, it usually commanded a good price.

An idea struck him. He would start a court and be a judge himself. He believed he could make a better thing of it than of peanuts. He would do it. But how? Easy enough. He knew the ring-leaders of the Hounds; knew intimately Sam Roberts, St John, and many more of them. He had treated them to peanuts fifty times, and had often talked with them by the hour about politics, raids, gold-mines, and the expulsion of the Chilenos. Then there were his lawyer friends, his court friends, and a host of others; and as he had saved a little money, the thing was not hard to do; and it was done.

Indeed the business of young San Francisco had so increased, and was still so rapidly growing, that the organization of another court, superior to that of the alcalde, seemed a necessity; and backed by his political friends, the peanut merchant with no great difficulty prevailed upon the governor to authorize him to establish such a tribunal.

The peanut peddler was now William B. Almond, Esquire, judge of the court of First Instance, with civil jurisdiction in cases involving sums exceeding one hundred dollars. His court was held in a little shanty, called the old school-house, situated on the southwest corner of the plaza, on the Clay street side, near the Monumental engine-house, while the alcalde still remained at his old quarters near the southeast corner of Washington and Kearny streets fronting the plaza.

The 12th of December, 1849, saw Judge Almond's court open and ready for business. Salary was a thing unknown at that time among court officials. Judges, sheriffs, clerks, constables, all drew compensation for their services in fees, generally fixed by themselves. Running a court was a speculation, like running a hotel, or a store; it was conducted to make money, and was valued at what it would pay. To

make its decisions valid certain elections or appointments were necessary, and these were obtained as the exigencies of the times seemed to require. It was not until several years later that all the municipal officers were put upon a salary basis; nor until the offices of sheriff, tax-collector, and the like were estimated as worth to the occupant forty thousand dollars per annum. These tempting baits were the source of great evils, both in the manner of obtaining office, and in the execution of its duties.

Behold now the mercantile grub transformed to winged justice. All hail to the rising sun! Money and merriment were the prominent characteristics of this tribunal. As a matter of course the mill must grind steadily, and with tolerable fairness; otherwise the institution would acquire an evil reputation, which, like a gambling-shop famous for its cheating, would repel litigants, and with them their dollars. There was no harm, however, in having it thoroughly understood that in this court time was money. This was no less a desirable feature with suitors than with the judges; those were busy days, and no one wished to wrangle long over a few hundred dollars, when probably they could make twice the amount during the same time by attending to their legitimate business. Money was the burden of Judge Almond's sittings; no criminal cases were allowed. Ounces were the sharp-edged Al Sirat which should bridge the infelicities of law to the heaven of rest beyond.

Seated sidewise by the corner of a table, exposing a profile view of a sharp-featured decisive face, grown somewhat stern by reason of its owner's elevation, and thin, perhaps from care and new responsibility; seated in the favorite American posture, balancing his tipped-back chair with feet planted against the wall higher than his head, paring his finger-nails, which seemed to grow according to the volume of business presented before the court, Judge Almond was prepared to listen to all who should come to him. And

when case after case was called, imperturbably he sat, like Olympian Jove weighing in the balance the fates of Greek and Trojan, with no change of occupation, nor shiftings of position—only from his mouth shot thunderbolts of judgment, short, sharp and decisive.

In front of the table were usually three or four clerks and reporters, back of whom were litigants, lawyers, and witnesses, while a crowd of spectators and hangers-on filled the remainder of the room. The nuisance of a jury was seldom tolerated in this court. Decisions were reached partly by evidence and partly by intuition. The judge did what was right, as Sophocles said of Æschylus, without knowing it. Seldom did he hear a case through, but when he thought he fairly comprehended it, he directed the clerk to enter judgment and call another case; and often these summary proceedings would continue until nine or ten o'clock at night.

Now it must not be inferred from all this that justice was not administered in this court, or that it was more uncertain here than elsewhere, or that it was more uncertain under the free and informal rulings of Almond, the quondam peanut-seller, than it would have been had Mansfield, or Marshall, or Stephens, or Story been seated in his place. In balancing the short, sharp encounters of busy men undergoing new and abnormal experiences, their learning would have hampered them like superfluous equipment, while the clear, free judgment of Almond directed his finger immediately to the root of a difficulty, which might be then eradicated without the aid of precedent. All their skilled intelligence would be employed in fitting experience to forms, while he had only the thing itself to deal with.

Almond determined the causes brought before him quickly, courageously, righteously. Rude, uncouth, illiterate so far as law learning went, there was a directness about him that suited the temper of the time. Everybody drank in those days; at least all

who wished could do so, as I have said, without losing caste. Almond saw nothing hampering to the wheels of justice in his drinking, provided he did not drink too much, or alone; if he drank at all, he would do so openly, before all the world. Yet he was no *soi fainéant* in his rulings; it was generally the opinion among Californians of that day that forms of law were rather a curse than a blessing, at least to this special community.

Moreover, he was equal to the emergency. What he was before he sold peanuts, as I observed, nobody knew, except that he was not a lawyer and had never studied law. But he had somewhere gained experience, had learned to know men and the right and wrong of things, judging from a natural and common-sense standpoint. Says John Morley, writing of George III., "There is nothing more fatal, either in private life or in the larger affairs of state, than for an incompetent man to grasp a principle of action that is too big for him." Herein lies the secret of success in any walk in life. Almond grasped the running of a law court as completely as he had grasped the peanut occupation. He was by no means an admirable character, yet he was for that emergency a good judge. He was as full of oaths as Charles Lamb was of puns, and his blasphemy was not of the most refined quality. It is well to note how such a person could place himself in such a position among the intelligent people of California and maintain it, still holding their respect. Yet he was an honest man, and judged equitably between men who were in no humor to be trifled with. Had such not been his character and reputation, the frame school-house would not long have been Judge Almond's courtroom.

The judge was coarse rather than otherwise in his tastes. He used to delight in worrying the poor and pompous attorneys, and after bringing them to grief to laugh at their chagrin. To their displays of eloquence he was profoundly indifferent; their legal

knowledge was wholly thrown away on him; those only who, with homely logic, spoke plainly, briefly, and to the point might hope to move him with words. Often before the first witness had concluded his testimony his quick discernment had reached an opinion, and his mind once made up, nothing could shake it.

One day a physician appeared before the court asking judgment for five hundred dollars from the captain of a ship for attending such of the crew as were sick during the voyage. The doctor had shipped as passenger, and the demand was widely at variance with the value of his services. The case was briefly presented, and a witness called whom the judge instructed to tell what he knew about it in as few words as possible. This done, the plaintiff's attorney called another witness, but the judge informed him that further evidence was unnecessary. The witness had told a plain simple story, the court understood the case thoroughly, and its mind was made up.

"Very well," said the counsel, "but you will certainly hear us speak as to the points of law in the case?"

"That would be entirely useless," replied the judge, "and we have no time to waste. The plaintiff is awarded one hundred and fifty dollars; call the next case."

In a more pretentious court this case would have occupied one, two, or three days, and might easily have been postponed from time to time so as to consume as many weeks or months. Half an hour sufficed Judge Almond to dispose of it as fairly and equitably as anyone, however learned or skilled in the law, could have done in six weeks or six months. Half the award went to the plaintiff's attorney, leaving the doctor, even at that rate, well paid for his services, and there was an end of it.

Frank Turk on a certain occasion having business before this court, with profound respect on entering removed his hat, a broad-brimmed, pointed-crown,

Guy Fawkes affair, and laid it carefully on the floor three or four yards from the judge's feet. Wrapped in meditation upon the intricacies of the case before him, and following his usual practice, his honor unconsciously made Turk's hat a mark for his tobacco-tainted ejections. A head-dress of that kind and quality was worth two or three ounces, and Turk was particularly proud of his hat, as well as sensitive as to its treatment He sought to catch the judge's eye, coughed, moved his hat as he thought beyond the reach of danger, moved it twice, thrice; but ever the somnambulic eye of the judge followed it, and ever with unerring aim the discharge from his mouth did filthy execution. Turk could endure it no longer. Boiling with indignation he stepped up to the judge, shook his fist in his face, and fairly yelled his curses. This demonstration and the roar which followed awoke the judge to a realizing sense of things, and he laughed with the rest.

It was a dry business listening to dry cases, and spurting tobacco-juice at a mark across the room by the hour, and the judge was not the man to sit and suffer through the day. He was now a great man; but great men grow thirsty. All great men in California at that time were thirsty men. Indeed thirst was a mark of greatness, and the more thirsty a judge the more was he esteemed fit for the position. There was nothing at all strange then that Judge Almond should pause occasionally in his proceedings to quench his thirst. And this was done with characteristic openness, though not in defiance of any sense of public propriety. There were always those about the court, accuser and accused, counsel, jurymen, witnesses, ready to drink as often as the judge desired, especially if some beside themselves paid for it. Hence there were no decisions emanating from that bench which met with greater general approval than when the judge paused in the midst of a case, and raising himself to his full height announced,

"The court's dry; the court's adjourned; let's take a drink!"

Whether or not this might be called a court of original jurisdiction, it was certainly a court of original rulings. The witness who asked to be excused from giving bail for his appearance when required was answered: "Yes, on payment of the customary fee of one ounce." If an attorney wished to make a motion the judge replied, "The motion is granted on payment of the fee, one ounce." Either side could have a case postponed on payment of one ounce; or if both parties to the suit requested it, then each must pay into court an ounce of gold-dust. Sometimes the judge's table would be half covered with gold-dust, and Judge Almond's ounce became a byword. It was by a sort of *argumentum ad ignorantiam* that the judge arrived at this decision. Himself ignorant of the facts, if the order asked for by a responsible attorney was not proper his adversary would quickly appear and ask to have it cancelled; and then the ounces! Never was there a court in California where injunctions could be so easily obtained or so quickly set aside.

It cannot be denied that Judge Almond, between haste and an eye to the main chance, sometimes strained his opinions to meet emergencies. During the winter of 1849 a Sacramento river boatman at the mouth of Suisun bay picked up a dismantled launch and brought it to San Francisco. There being on board of it eight or ten bales of goods the boatman claimed salvage, which the owner of the goods deemed exorbitant and refused to pay. The case came up before Judge Almond, who after one of his usual quick and careful hearings awarded the boatman $100 for his trouble; but learning before judgment was entered that the boatman's counsel fee and court costs amounted to $200, he raised the judgment to that amount. The owner still refusing to pay, the goods were sold, and being damaged brought only $150, whereupon a cart and horse

belonging to the owner of the goods were sold to make up the remainder. Here was a case where even the machinery of Judge Almond's court proved sufficient to defeat the ends of justice; for the boatman who saved the goods got nothing, while the owner was compelled to pay more than their value for the saving of them.

With John W. Geary as alcalde in 1850, and a city charter and two boards of aldermen, a grand jury was in order in the pretentious town of San Francisco. Very respectable men were selected, and proceedings were conducted in staid New England manner. Particularly was the oath administered devoutly and solemnly, every witness being required to kiss the book with reverential demeanor. Frivolity and blasphemy had disgraced our tribunals long enough, thought the new city's *pro tempore* masters. A healthful example should now be set. Their deliberations over, the jury were about to be called into court to receive their discharge, when unluckily one of their number, cursed with evil curiosity, picked up the book upon which all had been so furiously swearing, and opened it when, O 'mores! it was *Tupper's Proverbial Philosophy.* Now to let it be known that they, a genuine Yankee jury, anti-chivalry, anti-slavery, anti-law-and-order, anti-swearers and tobacco-chewers, men of clean white shirts and consciences, Sunday-school men, decent in all things, men of mark on Battery and Front streets, men who never indulged in any drink stronger than hard cider, and if they ever drove out at all it was always with one horse to four persons—that these prim puritans' sons should so far demean themselves, their antecedents and their surroundings, as to mistake the sickly sentimentalism of the maledict Martin for the new testament, was pitiful to contemplate. Had it been only a *Webster's Spelling Book* there would not attach to it so foul a disgrace, but Martin

Tupper's rhymes—the error could never be forgiven.

What should be done? All their proceedings, so far as the virtue of book in the administering of oaths was concerned, were of course invalid. If the book was essential to the sound administration of law, they had signally failed in using, in place of the sacred scriptures a volume of maudlin verses; if the book is not essential, then why add to the multitude of idle forms by which justice is hampered? The free and easy tribunals of audacious rulings committed no such stupid blunders as this. A long and solemn silence followed this discovery, as the men of merchandise gazed one upon another in blank chagrin. Finally an intelligent juror of very respectable wealth opened his mouth and slowly articulated, half soliloquizing:—"I would not like wittingly to do such a thing; my business needs my attention; we cannot well go over these days of arduous labors; an oath in the eyes of the Almighty is equally binding, perhaps, whether the swearer's hand rests on a Tupper or on a Paul, so long as the man himself does not know it; the sacredness of forms should be sustained and the etiquette of courts preserved; I think on the whole we had better say nothing of this to the judge. If we keep the secret to ourselves the oath is just as binding and the law just as good as if the swearing had been done upon a veritable bible; though it staggers me somewhat to think to what use unlearned and ungodly jurists might put this train of argument." So it was agreed and so done. The jury went into court; Alcalde Geary complimented them after the usual fashion for the faithful performance of their duties, apologized for his inability to pay their fees owing to the conspicuous emptiness of the city treasury, and discharged them.

When the Jenny Lind theatre was metamorphosed into a city hall there was quite a reform instituted in

courtroom manners, coarse jesting, profane swearing, and smoking were no longer permissible. An Irish excursionist, on entering one of the rooms newly fitted up for the district court, saw twelve pine sticks placed in a row in front of the jurors' seats. Prompted by curiosity he asked an attendant their significance and use, and was informed that they were called desk-protectors, and that it was made part of his duty to provide whittling timber for the gentlemen of the jury.

It was said that McGowan, before coming to California, was sentenced to the state prison of Pennsylvania for the robbery of the Chester bank, and that he was afterward pardoned by the governor on condition that he would leave the state. The fact is, Ned forfeited his bail and was never pardoned. Many criminals, however, have been set at liberty on these conditions, which course is assuredly wrong on the part of any community or nation except under extraordinary circumstances. The only plea, on the part of a judge or a ruler, for adopting such a course is that in another country a criminal may reform and live a virtuous life. But no matter how the penitent may promise this is seldom the result. Far oftener happens it that the pardoned, sent from a society which knows and watches him, to one where he is unknown and consequently may with greater safety commit new villainies, enters upon a career of wickedness wider than ever. Having served an apprenticeship and become skilled in crime in one place, he is offered the most tempting facilities for profiting by his past experience, and for gaining the confidence of a new community, where he may practise his profession with the fullest success. A bad man, entering one state from another, may rightly be sent back to the place in which his wickedness was bred; but to turn him unwhipt upon the world is about as righteous as to turn into your neighbor's vineyard the fox caught in your own because you dislike to kill it. If any

country ever possessed the right to drive out its criminals instead of punishing them, it was California, for the ruffians that infested her shores were not of her own breeding. They had come from older countries that had no right to uncage them; from communities prim and puritanical, that regarded with pharisaical reprobation the land upon which they had emptied their prison-pens.

Well, Ned came to California, and coolly took his seat upon the judicial bench. Quite an agreeable change from a Pennsylvania penitentiary to a California court; as marked a change as was that of his friend Casey, from Sing Singing to supervisoring. Doubtless, now that he was justice of the peace, he thought he was a better man, a reformed, a very good man. The wicked poor he punished roundly; the wicked rich he made pay him handsomely. Could Solomon have dealt out justice more wisely?

One day an attorney who had known him of old had a case in his court. The lawyer had but lately landed from a long and tedious passage round Cape Horn. Some of his fellow-passengers had manifested their joy at landing a little too loudly. Ned's party was nervous in those days and abhorred noise almost as much as light. Besides, there was money in it. The passengers were arrested for disorderly conduct, and asked their friend the lawyer to conduct their case for them. At the hour appointed for trial the passengers' attorney entered the court-room and took his seat. The judge had not yet arrived. Presently a bull-doggish face emerged from a side door, the owner of which stepped upon the judge's platform, laid his sword cane and deeply craped white "plug" upon the desk before him, took from his pocket a large red handkerchief and blew loudly his short upturned nose, and with pugilistic grace and dignity seated himself upon the bench.

The lawyer looked and was bewildered "I have seen that face before," he thought. "Can it be? Surely

I am not mistaken." Unable to restrain himself further he arose to his feet.

"Is it Edward McGowan I have the honor of addressing?" blandly asked the attorney. "That's my name," said Ned, running his fingers through his well-oiled hair. The attorney was satisfied. His course was clear. Turning to his clients he said:

"Gentlemen, you have no use for me. You may as well come down heavy with the coin first as last; it is your only chance."

Among other court notices in the San Francisco *Evening Picayune* of the 20th of August, 1850, appears the following: "Justice McGowan's court. An interesting case came off this morning, interesting because several interesting young ladies appeared as witnesses. Thomas Jackson claimed $200 for wages as barkeeper against Eliza Crothers and her husband, Owen Crothers, and presented as evidence in his behalf Miss Maloney and Miss Margaret Waring, two young ladies of rare attractions and fashionable apparel. The judge, of course, could do nothing less than render a verdict in favor of the plaintiff."

Throughout the whole vigilance excitement of 1856 the courts were treated with profound respect by the committee except in the few instances where they interfered with the performance of the line of duty marked out by the committee. Not so the criminals, in whose estimation courts of justice seemed to have sunk into contempt. On the 28th of May, one John Brown, whose impudence was equalled only by his egotism, was called from the mayor's dock.

"Who are you?" demanded the mayor.

"A son of a sea cook," was the reply.

"What is your name?"

"I am a sea-lawyer. I shipped before the mast as a matter of form, but practised law in the forecastle all the voyage."

"Was your court recognized by the captain?"

"Yes, about as much as yours is by the people."

"Beware, sir. What have you to say for yourself?"

"I deny the jurisdiction of the court," exclaimed the prisoner, "to try the case, on the ground that this court has no legal existence, the people having taken the authority into their own hands. I am prepared to argue the question if I be permitted."

"Have you no other defence?"

"Yes, I am a friend of Bill Lewis and Billy Mulligan," said the prisoner.

"Why, the man is mad!" exclaimed the mayor; "I will send you before the county judge to try the question of your sanity."

"You will find I am not crazy."

"Silence, sir!" thundered the mayor. "Officer, take him away."

Probably the most notorious of all our supreme judges was Hugh C. Murray, a man utterly abandoned in character, immoral, venal, and thoroughly corrupt. Even in those days of unblushing laxity he was prominent for impudent indecorum. Among gamblers he was always at home, and could deal faro with the best of them; of drinking saloons he was a constant habitué, having long scores at all the first-class bar-rooms of Sacramento and San Francisco, for he seldom paid for his drinks, or for anything else which could be obtained upon credit. Shoulder-strikers were his friends, lewd women his companions; he was a Californian Caligula, with his adherent politicians, gladiators, and courtesans.

As supreme judge, the profits were surer than in dealing monte. To anyone having a suit which should be brought before him, he did not hesitate deliberately to become indebted, neither side ever expecting payment. Though wearing a bland and polished exterior, inwardly he was as stumpy, misshapen, and graceless as a Scandinavian troll. And what made it the worse for the country was that

from his decisions there was no appeal—only from Hugh Murray drunk to Hugh Murray sober We say that he was so self-adaptive to circumstances as to quickly become a Californian; but of a truth such men were California; they were one with the land, and sea, and sky of the California flush times; it was they, with other elements intermingled, who made the country what it was, and without all of which California would not have been California.

Murray was of the chivalrous school, genial, gentlemanly, with a host of friends, and many admirers. Like the epicurean Atticus, he was elegant in his tastes and easy in his morals; selfish he was, as most of us are, but he was of the self-indulgent type rather than that which fosters unkindness or indifference to others. He was a very able judge, and even when bought by one side, he could render a most plausible opinion. Like some others of his class, he carried with him a superstition which he called his honor, which led him into eccentricities past the comprehension of ordinary minds. For example, though he would gladly sell an opinion, he objected to giving the transaction that name, and the money must not be paid to him direct. Then again, after a debauch, he was particular about paying the gambler, but cared little for the claims of the liquor and cigar-seller, while the tailor and launder he would not insult by the offer of money. This disgraceful honor of his compelled him to pay the man who took from him his money giving him nothing in return, while to him who of his substance clothes and feeds him he may, if it pleases him, give nothing. But when honor compels a person who has received an injury to invite the one who gave it to shoot him, we must not expect to understand all its subtle ways, for undoubtedly the honor these gentlemen are so careful to humor must be a thing of importance.

A man of repartee was this chivalrous upright

judge. When candidate for the supreme bench, he was met one day by Brannan.

"Murray," said Sam, "you must have a devilish deal of impudence to run for that office; what do you know about law?"

"That's just what's the matter, Sam," replied Murray, "I don't know much about it, and I am too lazy to study. If I am elected, knowledge will flow in upon me spontaneously. Every lawyer who comes before me will be a teacher, and I will reap the benefit of his studies unworn by midnight vigils."

Suits involving large amounts, where both sides bid for a favorable decision, called forth Judge Murray's utmost skill in legal legerdemain. It was scarcely the thing to take a bribe on both sides; honor would not permit it; with honor lost, all is lost. But if a litigant should make the judge a present wholly on account of his genial company and fine social qualities, or should the judge be asked to keep a sum of money until called for, would this prevent an honorable judge from receiving a bribe on the other side? Such were the points the early magistrates were obliged to decide, and which very often proved a severe strain upon their learning to do and at the same time to satisfy and conciliate both sides.

Justice at Sutter's fort during the autumn of 1848, like everything in that vicinity at that time, was greatly demoralized. Gold was the cause of it. The quiet hills and sleepy cañons suddenly became pandemonium. Soon after the discovery of gold at Sutter's mill, several stores for the sale of general merchandise were opened at the fort. Some of these were within the walls, occupying the angles of the enclosure, and others standing without. Merchants and miners there met and exchanged their commodities; and as round this traffic, like thirsty flocks about a spring, strag-

glers began to settle, two alcaldes were chosen, a first and a second, following the Mexican fashion.

Among the storekeepers of the place was one Pickett, afterward surnamed "the philosopher," so that Philosopher Pickett, which, indeed, is but another name for Fool Pickett, became famous throughout California. Now Pickett unfortunately shot a man dead in self-defense; and Pickett must be tried for it. It was the duty of Bates, first alcalde, to place the homicide under arrest. But Pickett was a man of pronounced proclivities; and to handle him roughly was regarded a little dangerous. Bates promptly resigned office. The second alcalde, Fowler, was then urged to perform the same duty, and he also resigned.

Sam Brannan, the man of emergencies, and one who feared neither philosopher nor fool, was then the chief merchant of the place, his store being in an adobe building east of the fort. Brannan called a meeting of the people to consider the matter. This was before the days of popular action *jure divino*, when to punish informally was infinitely worse than not to punish at all; hence it was thought necessary to hold an election for the purpose of filling the vacancies caused by the resignation of the trembling officials. One alcalde, however, was deemed sufficient, and Brannan was chosen for the position. A prosecuting attorney was likewise required, but no one seemed to relish the office, as each person nominated immediately declined and proposed another. Finally Brannan was obliged to accept that office also. A sheriff was then elected, the offender arrested, a jury empanelled, and the trial begun. On being brought into court, which was held in a room on the western side of the fort, Pickett was requested to lay his arms on the table, which he did. On the same table stood a plentiful supply of brandy and a pitcher of water, of which judge, jury, prisoner, and spectators partook at pleasure during the trial; the brandy, from its rapid dis-

appearance, being evidently more to their taste than the water. Then the question seriously arose whether in a criminal court, where a man was on trial for his life, smoking was proper. Appetite presses a strong argument; precedent was found in the California women who smoked at bull-fights, executions, and funerals, and if ladies indulged in the practice, tobacco could not be out of place anywhere.

The trial proceeded; equity in its broadest forms alone was sought, but still there must be the form. At length the judge rose and began a plea for the prosecution.

"Hold on, Brannan," said Pickett, you are the judge.

"I know it," Brannan replied, "and I am prosecuting attorney too."

Brannan the pleader then addressed Brannan the judge in conjunction with the jury; after which Pickett arose, tossed off a glass of brandy, and made a telling speech, for he was an able man. As soon as it was over, the night being well advanced, the jury scattered, more intent on finding their beds than a verdict. Then the question arose "What shall be done with the prisoner? "Place him in confinement," said the judge. "There is no prison," replied the sheriff. "Put him in irons." "Got none," said the officer of the law. Making a virtue of necessity the judge then called the ayes and noes, whether the prisoner should be admitted to bail. The ayes had it. The prisoner took from the table his revolver and bowie-knife, and marched off. Next day the jury were drummed together, held a conference, and disagreed. A new trial was ordered and the prisoner acquitted.

In the spring of 1849 an election was held for municipal officers in the town of Stockton. First and second alcaldes were wanted, and George Belt and James C. L. Wadsworth were elected. After the

election the boys voted themselves a banquet. A champagne supper was ordered and the electors made a night of it. In the morning the bill, amounting to $2,500, was divided equally between the newly elected alcaldes, and sent to them. Each paid his share, $1,250, without a murmur. Being unable to obtain a bible in the town, Mr Wadsworth says he used to swear witnesses on an old memorandum book. Horse-thieves were the most numerous class of offenders brought before him.

Let him who holds in low esteem youthful justice as manifest in the popular tribunals of the mining-camps, and in the alcalde courts of the larger towns, during the flush times of California, read the following and then despise not the day of small things. Stephen J. Field, subsequently upon the supreme benches both of the state and of the United States, was in the rough year of 1850 alcalde of the roaring town of Marysville, so called from one Mary, a woman out of whom the seven devils were not cast. Field's first bench was somewhat ruder than his last one; and there was more difference still in the buildings which held the respective courtrooms. Indeed one of his first cases came up while walking the street; nor was this the first peripatetic trial or open air court held in California.

A well-known citizen riding a horse which he had just purchased was met by another citizen who claimed the animal as his own. Field passing by and hearing the dispute stopped. Naturally enough both men agreed at once to leave the matter for decision to their newly elected justice of the peace. Swearing the disputants where they stood, he heard the story of each, and decided in favor of the walking claimant, to whom the horse was immediately delivered. The judge's fee, an ounce, was cheerfully paid; and after adjourning for a brief space to an adjacent saloon, the crowd which had gradually collected during the trial

dispersed apparently well satisfied with their young alcalde.

The following story was told of W. T. Barbour once judge of the district court at Marysville. Afterward he was candidate for the legislature, and on election day was about the polls watching his interests. An unlettered mud-plastered voter, who knew neither his alphabet nor the candidates for legislative honors, approached Judge Barbour with a Douglas ticket and requested him to read it.

"With pleasure," said the judge, and he began to read, "for president, Stephen A. Douglas, for vice-president, Herschel V. Johnson."

"All right," said his unlearned friend, "go on."

So he read over the names of the electors. Again, "all right, go on."

"For senator, C. E. De Long."

"Yes, go on."

"For assembly, W. T. Barbour."

"Hold on, there; strike him off."

Barbour turned toward the man an eye of suspicion to see if he was being played upon, but nothing significant of sarcasm was apparent in the voter's features.

"Why, friend," said the judge, "what have you against him?"

"I don't like him."

"Do you know him?" inquired the judge.

"No, but I have heard of him, and that's enough. Strike him off; I don't think he ought to be elected to that place."

The judge touched the point of his pencil to his tongue, then slowly drew it over his own name.

"Whose will you have in Barbour's place?" now inquired the judge.

"Let me see; you may put in Magruder."

"Well, I'm sure," said the judge, "Barbour is as good a man as Magruder, but have your own way; you are entitled to vote for whom you please. But,

my friend, I know Barbour, and somebody has been slandering him to you."

So saying, and without waiting for a reply, he wrote down the name of Lloyd Magruder to take the place of his own, and read on down the ticket, name by name, but not another of them did his unlearned friend order scratched. The man then deposited his vote. The judge was beaten.

They used to do similar things in Ireland, if we may believe Curran, who gives the following examination of a witness:

"Did you vote at the election?"
"I did, sir."
"Are you a freeholder?"
"I'm not, sir."
"Did you take the freeholder's oath?"
"I did, sir."
"Who did you vote for?"
"Mr Bowles Daly, sir."
"Were you bribed?"
"I was, sir."
"How much did you get?"
"Five guineas, sir."
"What did you do with it?"
"I spint it, sir."
"You may go down."
"I will, sir."

Few places could boast of courts with speedier jurisdiction than Folsom and vicinity. By one justice a man was sentenced to be hanged within ten days, without benefit of clergy. By another, before whom three miners were brought for obstructing the highway, time was refused for sending for counsel; continuance of the case was next refused; then the court objected to both jury and witnesses; finally the men were tried at midnight, found guilty, and imprisoned. Next day they were brought before the district judge upon a writ of *habeas corpus*, and discharged.

In the matter of a change of venue in a certian case which came before the district judge of the sixteenth judicial district in 1852, the defendant's attorney wished it to be sent to El Dorado county, while the district attorney chose Amador. Preferring the lawyers should settle it, and knowing that both prided themselves on their skill at cribbage, the judge suggested that they should retire to an adjoining room, and peg twice round the board. The lawyers agreed. After an absence of some twenty minutes they returned.

"Well, gentlemen," said the judge—"have you agreed to what court your case shall be sent?"

"May it please your honor," replied the defendant's attorney, "you may send it to El Dorado."

"By how much?" asked the judge.

"Two points," was the reply.

In the minds of men accustomed to see punishment follow quickly their deliberations, there was no little difficulty experienced in segregating wholly practical results from theoretical forms. In the alcalde's court at San Diego, in 1849, a negro was tried for killing an Indian, before a jury composed principally of Americans. They found the prisoner guilty of manslaughter. Aware that their duties terminated at this point, and knowing that they had not the power according to law to pronounce punishment, yet, as there was no other tribunal at hand to sentence the offender, they appended to their verdict the penalty of one hundred lashes and one year's work with ball and chain.

The miners of the Stanislaus, not wishing to be behind other localities in assuming the forms of civilization, elected one of their number, their best man, justice of the peace. It happened soon after the establishment of this tribunal that a travelling attorney, carrying about more bluster and bowie-knives than

common sense, in a case before the court laid down the law in such a manner as to call in question the ability of the unlearned judge to deal fair justice. The judge retorted in terms neither mild nor refined. The lawyer then declared that the judge took advantage of his position to insult him, and that if he would walk ten steps from the sacred precincts of the court he would give him a sound beating. Whereat the judge laughed inwardly, for of such was his strong suit, as he termed it; and rising immediately from his bench, and wringing the lawyer's nose by way of stimulant, as he passed out he punished the attorney until the latter was glad to go back and continue the case. And never again did that lawyer impeach the integrity or ability of a Stanislaus judge.

The alcalde of Badger hill was unwell; yet justice was healthful in his hands, and never slept. He had been elected by the miners and boarded at the Cherokee house. The court-room was wherever he happened to be. If working his claim, the nearest log or stump afforded a judicial bench; and any case which happened to come before him was disposed of with a disregard of forms and precedents worthy of Solomon.

He to whom the wronged of Badger hill looked for redress was an invalid. He sat up in his bunk to hear the case, while round his head was tied a red bandana. Green was the culprit; a large powerful man, and as cowardly as he was strong. He had borrowed forty dollars of little Shortey, borrowed it in the dead of winter when he lacked a pinch of gold-dust with which to buy a loaf of bread; and though he had a good claim, and was now taking out quantities of the yellow metal, he would not pay it. All the muscles in Shortey's body ached to angrily embrace the lubberly ingrate; but since the miners of Badger hill had a judge of their own creation, it was no longer deemed exactly the thing to ignore his office and

settle disputes, as formerly, by single combat. Time was when the right of fisticuff was the privilege of all; revolver and bowie-knife the common law of the land, to which he who would might virtuously appeal; but since justice was made incarnate at Badger hill, the miners had tacitly agreed that thenceforth muscle and steel should be subordinated to mind. They could trust the alcalde fully; for he was a man after their own heart, who had "fit his fought" as often and as successfully as the best of them.

It was a cold rainy night, but in and round the sleeping-room of the Cherokee house were over two hundred miners assembled; men with long beard and tangled hair, patched pants, rimless hats, and toeless boots, for they scented fun if not blood. The plaintiff submitted his evidence; the defendant had little to say.

"Proved clar enough," decided the judge. "Shortey must have his money and this yer court her fees, and if yer won't fork over calm-like," turning to Green, "I'll send them inter yer camp what 'll take it."

"May it please your honor," exclaimed Shortey, "It ain't his dust I want; only let me whale him and I'll forgive the debt and pay the costs besides."

Thereupon Shortey "sailed in under kiver of the law," as the alcalde classically expresses it in his minutes. Green squared himself, trusting his bold front might be preserved to him by the sanctity of the place. The bystanders rushed in to prevent what the future historian of Badger hill might call a disgraceful scene. Meanwhile the judge jerked from his head the bandana, and springing from his bunk stood in short white robes between the crowd and the contestants.

"Gentlemen, stand back!" he cried. "Ef the parties to this yer action wish to effect a compromise, let 'em do it."

Green was then so soundly pummelled by the ac-

tive and energetic little prosecutor, that he was soon glad to buy escape by paying the claim and all the costs.

When men first began to steal along the happy foothills, the delving innocents regarded the matter lightly, often flippantly. A case is cited in which a man was taken before the justice at Downieville in 1850 for stealing a pair of boots. The justice was keeper of a saloon. The culprit was found guilty and adjudged first to restore the stolen property and then by way of fine to treat the crowd. The court and all present adjourned to the bar of the saloon to drink and joke at the criminal's expense. Ridicule is often a severer scourge than stripes. Regardless of the reckoning, and of the convict's ability to pay, drink after drink was called on and poured down the throats of the jovial assemblage until all, including judge, jury, and executioner became more engrossed in the pleasing pastime than in watching the prisoner, who, taking advantage of the opportunity, slipped out, packed his little property and was soon over the hills and out of sight. The chagrin of the justice may be imagined, who, when his bar-keeper summed up the bill for payment, found that his fine had been inflicted upon his own pocket.

High in the foothills, on the south Yuba, during the saturnian summer of 1850, stood a tented gold-field glorying in the name of Washington; glorying in its laxity and looseness, in its unincorporated social sentiment and dishevelled morals, in its free and easy justice and its alcalde of original rulings, and in its general indifference to Christian customs and institutions. Until recently the miners of this locality had revelled under the rule of an unhallowed theocracy, but eighteen hundred and fifty's fourth of July having just passed with the adoption of a name, which of itself should be sufficient for the maintenance of good

citizenship, it was determined that an alcalde should be chosen and civilization inaugurated.

Nor was choosing a magistrate regarded by them as a matter of little moment. He who should minister to them in judicial things must be learned in their whimsicalities; he should be equitable at the horse-race and wrestling-match, honest in his dealings at poker, and withal of muscular powers sufficient to enforce the mandates of the court. Above all he must be a man of character and respectability, one who could treat the crowd easily and often, and wholly free from the effects of those stultifying studies originating in Sunday-schools and week-day lessons.

Now a stranger might think that in so small a community it would be difficult to find embodied in one person all the necessary attributes. But such was not the case. There was George Kelsey; if you had a thousand to select from, you could not find a better man. First, his great round tent, standing in the business centre, cool and pleasant by day and well lighted at night, would serve splendidly as a court-house. True, the clarion note of justice might sometimes be drowned by the clinking of coin and the rattling of glasses; for in this greatest of buildings was conducted the greatest of businesses, the dealing of cards and the dispensing of drinks. But then, with cards and drink law would fit well, and as already the place was a dispensary of no mean pretensions, to medicines for mind and purse add one for conduct much needed, indeed, and Kelsey's law, drinking, and gambling saloon becomes an institution of which even the young ambitious town of Washington might well be proud. It was understood at the beginning that there should be no taxes connected with the creation of the municipality, and to find judge, courthouse, business, and refreshments all combined was certainly a fine thing.

As for character, George Kelsey could match

Cæsar's wife. He stood six feet two in his shoes, and was broad and strong in proportion. His head was large; he was thick-lipped, snub-nosed, and corpulent as Socrates, and though his features were coarse and without much show of intellectuality, he had limbs and sinews like an emigrant's ox, so that what he lacked in mind he made up in muscle. When in the absence of the dealer he would sometimes seat himself at the monte table, his friends flocked round to win his money without fear of imperfect pack or waxed cards. Moreover, George possessed a coat, a relic of former days, and on extraordinary occasions he appeared in a white shirt. There was no fitter man for magistrate in all those parts than George Kelsey.

The principal business before a justice's court held in any of the towns along the Sierra drainage at this time was the settlement of disputes concerning mining claims. Thieving, highway robbery, and deliberate murder had not yet assumed the rank proportion of a year later, and such cases as did come up, the miners preferred to deal with summarily themselves. There was something stimulating, something resolute and audacious in thus dealing single-handed with the monster crime which well accorded with their humor. Peace was a commodity little coveted, so that bowie-knife encounters and pistolings were left to take their own course, while in free fights the alcalde was more disposed to stand by and maintain fairness than to interpose his staff of office to prevent them.

Among other difficulties encountered by George Kelsey in assuming the somewhat hazardous position of arbiter between the diggers of Washington camp was that general indifference to court rulings and decisions common in the early history of Californian jurisprudence. If at any time during the progress of a case either party to the suit fancied his chances better without than within the pale of law, there was no hesitancy on his part to drop proceedings, walk out of courtroom, and throw himself upon the miners, or

fight it out with guns and pistols. Such a case occurred within the classic walls of the round tent shortly after its proprietor had assumed the responsibilities of office.

Timothy Loker brought suit against Amber John —one of the positive and usually popular characters of the camp, so styled from the peculiar color of his somewhat wrinkled skin—for extending his claim up the side of the ravine beyond the limits allowed by the regulations, so as to include part of a spot staked off by one of Loker's men, for the mutual benefit of himself and his employer.

The case came up during the quiet hours of the afternoon while the miners were yet at work, and the town indulging in a semi-siesta preparatory to its nocturnal awakening. Behind a monte-table in the now well-nigh deserted tent sat the judge, ermined in the only coat the camp could boast, with the litigants before him.

It was evident from the beginning that Amber John was angry, and on his metal. Miners' justice was good enough for him. In five minutes the crowd at work out in the ravine could determine the right and wrong of it without all this round-tent clap-trap, and if that decision did not suit, they had only to fight it out. He didn't believe in courts; they were useless, and a nuisance, but for once he would try it and see how it worked.

First of all he demanded that Loker should give security for costs of suit. If he wanted law, he would give him law; besides, he didn't believe any white man would go bail for the onery cuss. Loker, however, easily and cheerfully procured the required security, clinching the character of his bondsman as he laid the paper on the table by quietly adding, "who is well known to be in the round-tent interest."

It was now the defendant's turn to go through the same process and file his security, but when this was demanded of him he declined, coolly remarking that

he never had intended to pay any costs or judgment, or to abide the court's decision, but should lay his cause before the miners in mass meeting. Thereupon the plaintiff withdrew his suit, swearing that he had had enough of such nonsense, and avowing his purpose to settle upon the claim and defend it with his rifle. To this proposition the defendant heartily acquiesced, adding that, after all, the only way to settle differences amicably was to burn powder over them. Besides being the honorable and gentlemanly way, it was the only method which left no unpleasant feelings to stir up subsequent strife.

All which the judge marked with eyes and ears attentive; marked in dignified and meditative silence, with thought sluggish at the first, but gradually revolving, and with accelerated swiftness, until from the unwonted friction there rose to the eyes electric fire, and a red deeper and more indignant than that of rum suffused the face. How long should these things be? How long should the blind goddess of the round tent be insulted by the vile rabble? How long should appeals begun in prayer abruptly terminate in blasphemy? George Kelsey, alcalde or no alcalde—that was the next case to be tried in the round-tent, a case in which the arm of the law should appear in corporeal visitation.

Slowly rising, he stepped from behind the table and laid aside his coat. Insignia of office seemed suffocating just then. While bundled in dignity he was less a man than when facing upon common ground those who had elevated him out of himself. Calling to the absconding litigants, he said, "Tim Loker, John, a word before you go. I question no man's right to carry his quarrel to any mill he thinks will grind it best; but once set in motion, the wheel of round-tent justice stops only at the master's bidding. You have honored me by elevation to office; you have honored me by bringing here your cause; now I purpose to give you, Amber John, a sound thrash-

ing, for you have insulted me. Then under the subduing influence of a loaded revolver which will be placed upon the table, I shall proceed to try and determine this suit, after which we will call honors easy. Gentlemen, this is the first time since you elected me alcalde that my honor has been called in question. To my family in Missouri I am accountable for my conduct as a man, and to the miners who elected me for my conduct as a magistrate. I am a big man with a big heart; that is why they elected me alcalde, because I am a man big enough to execute the sentence proceeding from a big heart. I am no trickster; I know no law but common law, and that of the commonest kind; but as long as I am alcalde, I propose to deal out that quality of justice that suits me, and if it don't suit you, then select another man."

At this juncture in answer to the judge's nod spirits appeared upon the table; mollifying spirits, whose presence seemed to soften the asperities of the litigants, but now bristling in bowie-knives and breathing bullets. "Go on judge," they both exclaimed, as they drew near and poured each for himself a liberal potation. The case was continued without the punishment promised by the judge, whose words had answered in the place of blows; and it is needless to say that the decision was in favor of the plaintiff who, as well as his surety, was "well known to be in the round tent interest."

Far below anything in quality that obtained along the mining belt in forty-nine or fifty is that disgraceful union of gin and justice occasionally found in later times. It was a very different matter, the early trial held in a saloon with the proprietor acting as judge, and the thing as sometimes seen to-day. Then saloon-keeping was a respectable occupation; now it is not. Then the best citizens frequented those places; now they do not. Respectability springs from conformity to the moral ideal of society, whether that ideal be right or wrong; and so does intrinsic worth, for virtue loves

recognition. The gambler of 1849, other attributes being equal, was not so immoral a man as the gambler of 1889.

I find nowhere in the early records of jurisprudence on the coast anything which strikes me as so utterly humiliating to lovers of judicial decency, or which brings law into such low abasement, as a signboard which as late as 1877 disgraced the intelligence of the good citizens of Vallejo. Upon it was inscribed the words "C. W. Riley, Dealer in Imported Wines and Liquors, and Choice Cigars; also Justice of the Peace."

Law and liquor; happy union! Let not their former association be confounded with the later one. The interpretation of this sign-board of One-eyed Riley, as he was called, may be given in these words: American politics seek the low haunts of vice rather than the more retired paths of virtue. There is something radically wrong in the system which places the administration of justice in the hands that mix poisonous drinks for their fellows; that place the political power of a community at the disposal of the class that frequents and patronizes drinking-saloons. In this instance the bar of justice and the bar of vile potations occupied adjoining rooms, communicating by a door which offered easy access one to the other.

As to the workings of this mongrel institution I offer a single illustration, which should be sufficient to incite the intelligent and enterprising citizens of Vallejo to a healthy reform. It happened one night during the early part of the year before mentioned, that two officers belonging to a Russian war vessel then lying in the stream off Mare island had spent the evening ashore, and about eleven o'clock set out to return to their ship. Arrived at the wharf, they hailed a boat to take them off; and while waiting its appearance they were attacked and knocked senseless with a slungshot by a ruffian named Hollis Rand,

who thereupon proceeded to rob them, but was frightened from his purpose by a police officer, McDonald, brought to the spot by their cries. Rand made his escape; but was captured next morning and brought before One-eyed Riley. It appears that the robber and the judicial drink-seller were friends having business relations, the former being a tenant of the latter, who, besides, was in arrears about $100 for rent. Rand was liberated on his own recognizance by Riley, and when the case came up for examinatien it was dismissed with little formality.

In June 1850 a fracas occurred among the judges at Marysville, in which contemptuous words, fines, and arrests were freely bandied, and weapons drawn by dignitaries seated on their bench in open court. Then the crowd without took the matter up, marched from the house of one belligerent justice to that of another, midst cheers and groans and the firing of pistols. Finally the mob dispersed, the excitement died away and nobody was hurt.

It was not an uncommon occurrence for attorneys and officers of the court during a trial to fall into disputes, become heated, pass the lie back and forth, and draw pistols. I know of one instance which occurred in the recorder's court at Sacramento as late as May 1856, in which a quarrel between the defendant's counsel and a testifying police officer threatened to involve the whole court-room in a fight. Peace being at length restored, the judge fined the attorney, who had given the policeman the lie direct, $100 for contempt of court; but an apology from the offender, in which the court was assured that the words were spoken in the heat of the moment, and with no intended indignity to the court, brought a speedy remission of the fine.

The Laura D. Fair trial is interesting in its psy-

chological aspect rather than in a professional way. Laura coveted money, but she coveted men more; she could love a little, but she could hate stronger; she could be insane somewhat, but her lunacy, which was of the emotional kind, was always subservient to her sense. If to see her lover kiss his wife made her a lunatic, wit waited on revenge to the instantaneous accomplishment of that which lay nearest her heart. With rare skill Laura gave in her testimony at the trial. It was very clear she was not insane then. It was very plain that she was not a lunatic immediately before and after the deed. She did not wish it understood that she was beside herself but for the moment, and like a mind lost in a mist of ever-increasing density, so was her giving of evidence, clear and vivid at a little distance from the deed, both before and after, but gradually growing indistinct, until at the moment of the murder all was opaque blackness. Her memory at that point was a blank. Hovering about the fatal moment were mingled facts and fancies hurrying hither and thither like imps of darkness, until she could not tell what was real and what imaginary. They were beyond her description, beyond her knowledge. A soul dropped by the messenger-angel upon a dark and angry ocean was not more lost to itself than was she at the time. Laura manifested no less ability in the escape than in the killing. Some of the scenes in court were quite characteristic.

"I am sure he was the only friend I had in the world," she exclaimed on one occasion from the witness-box. "I would not have harmed him for a hundred worlds. Had he been living, gentlemen, when Mr Campbell insulted me the other day, he would have made Mr Campbell on his bended knees apologize for it." There were present certain sympathizing women of strong-minded proclivities, who took occasion at this juncture to applaud, such being deemed by them one of their denied rights.

"Silence!" cried the judge, his face reddening for the unblushing females. "Officer, bring forward any who applauded." The officer after some search reported his inability to find such a one. Then spoke Laura:

"Judge, it was all my fault."

"Madam," said the judge, turning sharply upon her, "speak only in answer to such questions as are put to you. You are not blamed for the disturbance."

"Well, judge," replied Laura, "human nature could not stand it." Emily Pitt Stevens was now pointed out as one who applauded.

"Did you applaud?" demanded the judge of her.

"Judge, I was not aware that I could not applaud in court," replied Emily.

"Did you applaud?" cried the judge.

"I said 'good.'"

"What is your name?"

"Emily Pitt Stevens."

"You applauded in court, did you?"

"I said 'good' and I put my hand down on the desk so."

"Did you make any noise?"

"I made no noise with my feet."

"Did you with your hands?"

"With my hands I did."

"You are fined twenty-five dollars."

"I will pay it," cried Laura.

"Thank you," smiled Emily.

Another of the sisterhood, Mrs Booth, was then accused.

"I did not applaud," said she.

"You did," answered her accuser.

"Judge," exclaimed the female rising and addressing the bench, "I was not aware that I could not applaud."

"What is your name?"

"Mrs Booth."

"Did you applaud?"

"I stamped my foot, I was not aware that it was against the rules."

"Enter a fine of twenty-five dollars," said the judge to the clerk.

"I will pay it," put in Laura again.

"Thank you," said good Mrs Booth.

"You will have to draw heavily on your purse if you pay the fines of all of them," remarked the judge to Laura.

"I do not think, your honor, that these ladies understood the rules of the court," said Laura.

"Well, they understand them now," replied the judge.

A gay demoiselle of Pacific street, prosecuting in the recorder's court a lover, who one night while she was sleeping off the fumes of champagne rose from her side, rifled her room of its valuables and departed, was asked by the judge to state the particulars of the case, who she was and where she lived. Turning toward him with an arch smile, Angelina replied, "Ah! judge, you know all about it!"

Uncle Zeke was elected justice of the peace at Nevada city in 1852, and when called upon to take the oath of office it was for the first time ascertained that his name was Ezekiel Dougherty. A man arrested for horse-stealing was once brought before him and put upon trial. Evidence was strong against the prisoner, it being fully proved that he was a bad character. The prosecution rested, and the prisoner's counsel called a witness.

"I don't see what you want of witnesses," said Uncle Zeke.

"May it please your honor," replied the attorney, "the object of the testimony which I now propose to offer is to prove the general good character of the accused."

"What in hell is the use of trying to prove his

good character when he is already proved to be a thief?" roared the judge.

"Your honor, notwithstanding the one-sided evidence, the theft is not proved; moreover it is a presumption of law that a man is innocent until he is proved guilty."

"Yes, my friend," concluded Uncle Zeke, "and there is another presumption of law, and that is that a justice of the peace is not bottomed with cast-iron. You may go on with your speech if you like, but I am going for my bitters right now."

Cerruti tells the story of a scene which occurred in a justice's court at Sonoma while he was there engaged in writing from General Vallejo's dictation.

A Jew shop-keeper, at the instigation of his competitors, was arrested for violating the Sunday law, which decreed that all places of business in California should be closed on the sabbath. The offender was fined ten dollars, which materially reduced that Sunday's profit. Thus forced to do reverence, the Jew thought he might as well keep his own sabbath as the Christian's, and so secure a better day for traffic here, and the seed of Abraham's reward hereafter. So the next week he sacredly regarded Saturday, and kept open shop as usual on Sunday. Arrested Monday morning, he was asked why he had transgressed the law a second time.

"I have broken no law," he declared; "I kept Saturday, which is the Jewish sabbath."

"Sir," said the judge, "do you propose to transplant Jerusalem to California? Clerk, enter a fine against the prisoner of twenty-five dollars."

Often in early times, as we have seen, justice and juleps were administered by the same hand; sometimes the storekeeper or the postmaster would add to his regular occupation the duties of alcalde. At Agua Frio we find in 1852 an unsuccessful miner metamor-

phosed at one turn of the moon into doctor both of medicine and law. He did not hesitate even to accept the office of justice; but he found it quite impossible to know all that was contained in books about the rendering of judgments. An important case was once before him in which one of the attorneys cited a decision of Justice Story, and opening the book began to read it, when the judge impatiently exclaimed: "Mr Wade, Judge Story was undoubtedly good authority in his day, but he won't do for this court."

This same medico-jurist owed a certain mechanic for work. Repeated dunnings proving of no avail, the man finally threatened to bring suit against the judge. As it happened, there was another hall of justice not far from Agua Frio, into which if our unlearned friend should fall he knew it would go hard with him, for the mechanic's claim was a just one. Meeting the man one day, the judge drew him aside and insinuated in a friendly though dignified manner, that if he must bring suit it would be better for both sides that it should be done in his own court, thus saving useless trouble and expense. After some hesitation the man consented, made out his bill, $97 50, and handed it to the justice for collection. The suit then underwent all the forms usual in such cases; the justice issued summons against himself, acknowledged service, and fixed the day of trial. At the appointed hour the mechanic appeared in court.

"As I shall not dispute your bill, I see no necessity for calling a jury," remarked the judge.

"I agree with you," replied the mechanic.

"Then we will proceed at once to the examination of the case," said the judge. "Let me see, your bill is for $97 50. I admit the claim; you did the work well, and earned the money; I am perfectly satisfied. My bill against you is just $100."

"Your bill against me! What do you mean?"

"My bill for medical attendance; doubtless you have forgotten it; it was for that pulmonary attack,

you know; it has been standing for some time. I should have sent it in sooner, I know; I am very negligent in money matters, but I do not like to inconvenience my patients."

"I remember, some seven or eight months ago, when suffering with a cold, you advised me—"

"That is sufficient," broke in the judge. "You acknowledge the service. For that advice my charge is $100; in serious cases I never take less. I shall have to enter judgment against you for two dollars and fifty cents and costs, twelve dollars—it would have been forty if taken to the other court—payable immediately, as it is a rule of court for all judgments to be settled at once."

There was no help for the mechanic but to pay the money.

John C. Murphy one day innocently borrowed without permission a horse belonging to William Gordon, a strong-minded magistrate of Yolo county. Hearing of it, the justice sent the constable after Murphy, who was brought before Gordon, tried, convicted, and sentenced to be hanged that afternoon. The magistrate was in earnest; and it was with the utmost difficulty, and only by appealing to his sense of fairness, and to his reputation as a magistrate in criminating a man where the judge was prosecutor, that delay was gained. Finally the case was referred to another court, and the prisoner discharged, greatly to the disgust of Gordon who immediately resigned office, affirming he would no longer be judge where he could not administer justice.

In the days when women were scarce and justice easy, Thomas A. Springer, magistrate near Georgetown, El Dorado county, divorced a wife one afternoon, and married her to a new husband the same evening.

In the spring of 1849 a small band known as the Texan company started for the southern mines. Among the members was one Richard C. Barry, who had obtained the title of major during the Mexican war, where he commanded a company of Texan rangers. Attracted by stories of the marvellous richness of the Tuolumne diggings, Major Barry and his party went to what is now known as Sonora. Emigration increased rapidly, and it became necessary that there should be a town organization, and Major Barry was chosen one of the justices of the peace. The position was one that gratified his pride, and filled the measure of his ambition; he required his orders to be implicity obeyed, and the great dignity of his position to be respected. Justice Barry was a stout, red-faced man, of medium height, with an air of great resolution. His literary and legal attainments may be determined from the record of his rulings taken verbatim et liberatim from his docket, which consisted of loose scraps of paper carried about in his hat and pockets. His intrepidity and integrity of character elevated him to an office where courage and resolution were often demanded. His court was omnipotent, and if disrespect was shown it a fine of from ten dollars to twenty ounces was imposed In his processes, forms, and ruling, he displayed a *justesse de l' esprit* truly charming, as the following transcripts from his docket show.

Begin with case numbered 101. "In a caze where one James Knowlton brings sute again joss Sanchis fer felonously, and surreptiously, taking, stealing, and robbing the said James Knowlton, late of San Francisco. One buckskin purs or sack of gold-dust of the value of $4,000.

"After heering the evidence projuced in the case, I demand of Jose Sanchis whether he was going to plead guilty or not. Jose answered me thus, you find out. For which insolent, and abominable contempt of court I find him 3 ounces, and adjudged him

guilty. I sentenced him to restore the goold dust to the Court, and, to receive well lade on 40 lashes on his bare back, and to pay the Costs of the Court.

"Cost of Court 5 ounces which Jose not having I rooled that James Knowlton should pay. Deducted the amount and returned the balance to the owner James Knowlton.

July 9, 1851. RICH'D C. BARRY, J. P.

U. H. BROWN, Constable."

"In caze" number 516 the "Costs of coort" seems to be the idea momentarily ruling the judge's mind. "This is a sute for mule steeling, in which Jesus Ramirez is indited for steeling one black mare mule, branded O with a 5 in it, from Sheriff Work. George swares the mule in question is hisn, and I beleeve so, too; on hearing the caze, I found Jesus Ramirez gilty of, felonously and against the law made and provided and the dignity of the people of Sonora, steelin' the aforesade mare mule, sentenced him to pay the cost of court, $10, and fined him $100 more as a terrour to all evil-dooers. Jesus Ramirez not having any munny to pay with, I rooled that George Work should pay the costs of coort as well as the fine, and in default of payment that the said one mare mule be sold by the constable, John Luney, or other officers of the court, to meet the expenses of the costs of coort, as also the payment of the fine aforesaid.

"R. C. BARRY, J. P.

"Sonora, Aug. 21, 1851.

"JOHN LUNEY, Constable.

"N. B. Barber, the lawyer for George Work, insolently told me there were no law for me too rool so. I told him I didn't care a damn for his book law, that I was the law myself. He continued to jaw back. I told him to shet up, but he wouldn't; I fined him $50, and committed him to goal 5 days for contempt of court in bringing my roolings and dississions into disreputableness and as a warning to unrooly persons not to contradict this court."

Case 606 displays a little difference between the judge and certain attorneys: "This was a sute between two gamboleers. E. Krohe the gamboleer who sooed Sam Heed the gamboleer to recover 3,000 dolers won at ceards. After much swarin one way and another the lawyers, H. P. Barber and Leander Quint, argooed the caze, which after a long time they got through with. I discided that Barber was right, whereupon Quint said please your honor I never can get justice in your coort; putting out his finger and thumb, i told him the likes of him in my country often lost their fingers stealing corn or chickens, and that if i had anything to say he never shood have justice here. I ordered him to hold his tung and shet up when he went out of coort he began to grumble again; i ordered John Luney the constable to arrest him and bring him into coort before me, which he done, and I then fined him $25 for contempt of court.

"Costs of court $100, which was paid.

"R. C. BARRY, J. P.

"Sonora, September 10, 1851.

"Constable."

Case 997 seems from the following summons to have been one of a class not infrequent in those days, which is judged first and tried afterward:

"State of California, County Tuolumne. } To the Sh'ff or any Constable of aforesaid co.

"Greeting:

"You are commanded to summens Maberry and Street to appear before me at my office on the eight day of November, A. D. 1851, at the hour of 9 o'clock, to answer to complaint filed in the court by D. T. Donnalld, where in he charges them with a nucense by putting a privvy on a lot which they have jumped belonging to pl'ff, as a possesor right he now comes to claim his right as an American citizen by claiming a writ to dispossess them to have restitution according to law, with appropriate demmages for the

Imposision now about to be carried out against him by sich high handed and mercanary arrowgance on the part of the Accused.

"Sonora city, November 5, 1851.

"R. C. BARRY, J. P."

The duties of coroner devolved upon a justice of the peace. Barry had a peculiar mode of recording his procedures, which is best illustrated by quoting from his writings.

No. 3. "George Williams who cutt his throt with a razor October 20, 1850. Having heerd the evidense it is evident it is a case of felloday see. Said Williams had no property that I could find out.

"Justice fees, $10.

"R. C. BARRY."

"No 5. T. Newly killed by Fuller who shot him with a gunn, January 30, 1851, I found no property on the diseased. After trying Fuller and finding him gilty, he was comitted by me, and sentenced by the cort to two years' confinement. He broke jale and run off."

"No. 16. Inquest on the boddy of a Chileno boy, one of Snow's murderers, hung by the mob on Dargun creek, June 25, 1851. Noboddy seems to no who did it, he deserved to die."

A knotty case arose at Calaveras in 1852, which is not settled to this day. Provender during that winter was very scarce. One night several donkeys, the property of certain well-known citizens, ruminating upon their hungry lot, encountered a clothes-line, the only one in those parts which could display among its gray and woolen bunting, that blood-tingling sight, a sacred white petticoat.

No sooner had he espied the prize than lifting up his voice, the oldest donkey blew loudly his horn, whereat he and his comrades made a general attack. Soon the clothes-line was cleared and the shivering bowels of the mules were comforted with a covering

of divers garments such as men and women use. The question for the Themis of the foothills to settle was whether these clothes, so safely locked within hairy peripatetic trunks, might be recovered by action of replevin or left to digestion. A Chinaman who was asked his opinion replied "Jackass eaty Melican man shirt, belly good, belly good!"

An account of a law suit in the mountains given by an eyewitness, pictures the justice seated on a claret-box before a fire in his splitboard shanty frying a beefsteak for his dinner. The defendant enters.

"How are you judge. Isn't it time to begin the trial? This is the fourth time I have come here; first the plaintiff was not ready with his witness, then your honor was absent, and the third time the plaintiff's witness did not swear to suit him. Now I think we had better try the case before another justice as I want you for a witness myself."

"Await the arrival of the others and we will see," replied the judge, cutting off a piece of the steak and beginning to eat. While thus engaged the plaintiff enters with his attorney.

"Well, judge, we are ready; don't want any witness. I'll tell you the story and that will settle the matter. My client owed the defendant fifteen dollars, and was the owner of a horse which he turned over to the defendant with a writing stating that if he did not pay the fifteen dollars within ten days, the defendant might sell the horse and pay himself out of the proceeds. The ten days passed and neither the money was paid nor the horse sold. Now we tender the money and sue to recover the horse. That's the whole of it; now take a pen right away and render judgment in favor of the plaintiff."

"The defendant wants me for a witness," said the judge, munching his bread and beef-steak, "and therefore asks to have the case brought before another justice, but I don't think it necessary."

"No, no," exclaimed the lawyer. "Of course not," echoed his client.

"Yes, it is necessary," persisted the defendant, "and I will have the case tried in another court."

"Try it where you like, but we'll fix the business here now. Don't you think I can give my evidence in this court as well as in another?" demanded the judge. Then rising, but without being sworn, he testified what he knew of the matter, and resuming his seat without another word, he entered in his docket judgment for plaintiff.

"That's right, judge," said the lawyer, who thereupon immediately withdrew.

"What!" exclaimed the victim of these summary proceedings, "render a verdict without a trial? How can you act as witness, jury, and judge all at the same time? I'll tell you what I will do—"

"Do what you damned please!" said the judge as he arose from the table, wiped his mouth with the back of his hand, and started for his mining claim.

A territorial legislature and county officials had just been chosen by the people of Washington, and John W. Champ, justice of the peace, and Charles W. Denter, constable, opened the first law court ever held at Showlwater bay, and entered upon their first case.

All which proceedings the oystermen of this beach regarded with profound contempt. What did they want with law? The country had been able to get along well enough without it so far. The people were disposed to be peaceable. All had their own affairs to attend to; their rights and wrongs were very simple. Each found it pleasanter to be friends with all the rest, to have their good opinion and fellowship than their enmity; if a disturber of the peace dropped from some passing ship, he was quietly advised to continue his rambles, and not stop there. If whisky assumed the sovereignty, a little fist-fight would

usually heal all feuds, and bring the belligerents to their senses. Law was not wanted at Showlwater bay, but now they had it they must use it. Nobody thought of going to court until the court came to them.

Champ was a tall, muscular Vermonter of sixty-five, whose inner qualities as microscoped by rye whisky were craggy; Big Charley, as Denter was called, was dropped on Showlwater Beach by a Maine whaler as too lazy for the service. Two better men for their respective positions could not have been found by searching diligently with a candle; it is a peculiarity of our political system that certain offices are better filled by manikins than men. The first case was Public Opinion against Bowman. Bowman was a waif; how he lost himself no one knew. The Beach did not want him. Give him things to watch, and more of them would be missing than if left exposed. Mr Russell lost a small sum of money by him in that way. Before the establishment of a court the man would have been hunted hence, and that would have been the end of it, but law was master now. Besides, the justice wished to try the new machine.

Against Bowman there was neither prosecutor nor proof; but these slight impediments were easily surmounted by Champ, who was not hampered by legal knowledge.

The united wisdom of the Beach produced a paper which seemed to touch the evil remedially, which was made to take the place of what in more experienced courts would be a warrant for the arrest of Bowman. This was placed in the hands of the constable, whose wholesome fear of the obnoxious straggler, together with his constitutional aversion to either mental or muscular exertion, rendered the serving of the warrant, as it was supposed to be, a serious matter. By one idea alone his mind was filled as he dragged his slow limbs through the sand. How should he get the man before the judge? Assuming an indifference

which he was far from feeling, he entered a boatman's hut where Bowman happened to be quartered for the time, and asked for something to drink. Bowman replied that he had none, of which fact Big Charley was well aware, otherwise the man would not be sober.

"Old Champ has just got a demijohn of first-rate whisky," said the constable, "let's go and get some."

"That suits me," replied Bowman, whose thirst for the ardent was unquenchable.

Approaching the unfledged hall of justice, they found the squire feeding his chickens. Seeing his first order thus so promptly obeyed, the judge gave a final fling to the wetted bran which he was scattering to the infinite satisfaction of the poultry, and entering the courtroom with unusual alacrity, took his seat, a crowd was gathering, and within the hour the reputation of the tribunal would be forever fixed.

"Order in court!" began the judge, with as stern an expression as he could call up on so short a notice. Then turning to Bowman he began:

"Well, sir; what have you to say for yourself?"

"Nothing in particular, judge; have you any whisky, here?"

"Whisky! exclaimed the judge, somewhat angered by the unhallowed intimation, "do you take this for a rum-mill, sir? What have you been doing, hey; guilty or not guilty?"

"Capital, judge," replied Bowman, with a not altogether happy smile. "You would always have your little joke; but where's that new demijohn of whisky; I'm as dry as a cured salmon."

"I'll salmon you for bringing this court into contempt," cried the judge, whose irate emotions were now running away with his syntax. "Do you know that you are arrested, sir; that you are on trial, sir?"

"No, I did not know it," was the reply. "What is the charge?"

"Charley, you lubber," said the judge addressing the constable, "didn't you show him that paper?"

"Of course I did," was the reply.

"That's a lie; I haven't seen any paper."

"Order in the court!" roared the judge. "Give him that paper, you big lump of whale blubber, and lawfully arrest William Bowman, in the name of the United States."

Big Charley handed the paper to Bowman, who opened it and read as follows: "You are hereby commanded to leave the bay within twenty-four hours or receive twenty-five lashes. And may the Lord have mercy on your soul. John W. Champ, justice of the peace."

"This looks more like a vigilance notice than a warrant of arrest," said Bowman. "Of what am I accused, and by whom?"

"Accused!" exclaimed the judge. "Of everything, and by the whole Beach. You know you stole Mr Russell's money, and that you are a pirate and a red rover."

"Who says I stole money; who makes such a charge, and who are the witnesses," said the prisoner, now fairly aroused.

"See here, Bowman," replied the judge. "We don't want any witnesses in this matter. You know all about it without being told; and as for the charge, I bring that myself, and to save time I wrote out what you had to do, and that's the end of it."

"Court was then adjourned; Bowman was put upon a vessel for Astoria, and thus terminated the first legal trial at Showlwater bay.

Not long afterward a deserted sailor, called Bob, was discovered stealing a pair of shoes from a store. The oystermen from what they have seen of the new machinery at Champ's, thought themselves fully as capable as the United States to act in the matter; so without going near the judge they whipped the offender and shipped him down the coast.

The registrar of the United States' land office may

not punish for contempt, hence those bringing cases before him may be as belligerent as they please In the case of Ketchum versus the State of California, before Mr Haverstick of Los Angeles, among the attorneys on either side were Mr Gould for plaintiff and R. M. Widney for the defense. Ketchum himself was on the stand, and Gould was examining him; both sides indulged freely in invective.

"What became of Lachenais?'" asked Gould of the witness.

"He was hanged by Widney and others."

Widney rose from his seat, and drawing from his pocket a pistol, and holding his hand down, as one draws and holds a handkerchief, thus addressed the witness:

"You say I murdered a man, you lie, you perjured villain. I was not present when Lachenais was hanged, and knew nothing about it. If you and your party are armed to assassinate me, as I have been informed is your avowed intention, now is your opportunity."

"We are not armed," said Mr Gould.

"Then I will put away my weapon," replied Widney. "And in continuing the case this afternoon, I wish to have it distinctly understood whether we come together armed or unarmed."

Mr Haverstick ruled that the case was to be continued by unarmed disputants.

A case came up in the district court of San Francisco in September 1852, which shows how widely separated are justice and the jury in many suits at law. It illustrates at the same time how impatient of forms and technical restraint is the material composing our juries, and how utterly foolish and fickle are jurymen sometimes, and how farcical are many of our jury trials. Suit was brought by Green against Minturn for certain improvements on leased land, which improvements had been valued by an appraiser at

$4,000. Green had refused to abide by the decision of the appraiser, and so brought the suit. The trial ended, the jury brought in a verdict of $8,000 for the plaintiff, stipulating that no imputation of unfairness should lay at the door of the appraiser. The judge told them that the latter clause of their verdict was superfluous, and must be stricken out. The jury again retired, and in a few minutes brought in a verdict for the defendant, with some $500 costs which the plaintiff must pay, whereat the court and all present smiled audibly.

A Sacramento court-room was the scene of a somewhat undignified *émeute* on the 16th of June, 1852, growing out of squatters' troubles, respecting which there were still many smothered feuds. No sooner was the court adjourned at noon than one McKune, of whom the associate judge, Wilson, had made some disparaging remarks, stepped forward and demanded an apology. This his honor refused to make, when McKune and a friend of his, Caulfield, attacked the judge, and beat him over the head with a walking-stick. Judge Wilson carried a sword-cane, which he drew, and plunged the steel into the body of his assailant. Pistols were then employed; Caulfield fired once and the judge once. The jail-keeper rushing between the combatants received in his body the ball intended for the judge. There was great excitement throughout the city respecting the affair, and much talk of lynching.

A prosperous mining district always furnished the courts an abundance of business, and the lawyers fat fees. Titles and bounderies to claims were the chief causes of dissension, and if the contestants were able, their advocates had no difficulty in making them pay well for indulging in the luxury of law.

Jesse Niles, made magistrate of Donkeyville by an overwhelming majority of the people, was a long, sin-

ewy, hard-fisted, and thick-headed Indianian, who could read without spelling out any but the longest words, and if you gave him time enough could write his name. His decisions were eminently practical; hence he was eminently popular. Legal lore was not packed between the coarse convolutions of his brain in such quantity as to wholly defeat the ends of justice. Rascality could not shield itself under cover of law, and a sworn alibi, in the face of undoubted evidence, carried little weight.

It was a great day for Justice Jesse Niles when the representatives of the two largest and wealthiest mining companies of Donkeyville district came into court with troubled determination in their faces. The McFarland company charged the Old Kentuck with trespass in having worked over on their ground. Justice Niles, as he fixed the time of trial, ran his fingers through his thick, tangled hair as best he could, with grave satisfaction. At the appointed hour both parties appeared in court; the jury was empanelled, and at one o'clock all were ready to proceed with the case. The foreman of the McFarland rose, stroked his beard, and glanced round the room. The honor and dignity of the company had been placed in his hands, and he realized fully the responsibility of the situation. He was determined to leave no effort untried to win for himself laurels, and for his company their cause. Opening his mouth, in slow jerks he delivered himself:

"If the court please, and the defendant has no objections, I propose we adjourn for five minutes," meanwhile giving his thumb a lateral fling from his shoulder in the direction of the Diana saloon, of which the honorable judge was proprietor. As a matter of course it did please the court, and the defendant was far too polite to object. After their comforting potation, the jury listened to the case, as presented by the plaintiff, with marked attention. Too sympathetic, by far, the defendant thought, for the good of his cause,

and as the remedy lay only in the disease, he felt it incumbent on him also to ask an adjournment of five minutes. And these pleasant little compliments were continued by both sides until by eight o'clock there had been no less than twenty adjournments.

Under the circumstances the judge was certainly excusable if in summing up the case to the jury his ideas appeared a little confused, and his tongue somewhat thick. It so happened that one of the twelve, whose fate, he used to say, it always was to be placed upon the jury with eleven fools, and whose leathery brain no measure of the most villainous compound ever sold for drinking purposes could saturate,—it happened that this man gave mortal offence to the judge by asking in what book the law laid down by his honor could be found.

Now the judge was particularly sensitive about his method of expounding the law in his charge to the jury, as we all are sensitive in our vulnerable parts, and the frequent adjournments seemed rather to have increased than to have diminished his irritation. In his present state of mind, it seemed to him clear that the ermine had been insulted, and that the impertinence must be resented. With clenched hands and contracted brow, he fixed his angry eyes upon the juror.

"The book, is it," he exclaimed, "it's the law you want?"

"Y-y-yes," meekly replied the juror. "I asked your honor where it might be found."

"Confound you, sir," roared the judge, "I would have you know when I tell you a thing is law, its law," and drawing a bowie-knife he made a spring for the offender.

The jury broke and ran, the infuriated justice hard after them, and for a time it was doubtful how this charge of the judge should terminate. At length reaching a hill outside of the camp, the jury scattered and were lost in the darkness, while the judge return-

ing to his bench was obliged, in deciding the case alone, to exercise the right of desperate necessity—*jus in casu necessitatis.*

A man in Plumas county, sentenced to be hanged for murder, appealed his case to the supreme court. Sometime afterward the sheriff seeing the case reported in the Sacramento *Union* as affirmed, hanged the prisoner. In a few days an order came reversing the decision of the court.

Two men fought at Cacheville one day. An impecunious lawyer regarded it speculatively. Stepping up to the victor he said: "Lewis, you can make him sweat for that; he struck you first."

"What do I care; I have sweated him enough already," replied Lewis.

"That's all very well," persisted the lawyer, "but he struck first; he broke the law, and it is your duty as a free American citizen to see the institutions of your country sustained. Give me five dollars and we'll sweat him."

"Well, I don't mind," grinned Lewis, as he handed the pettifogger the money. "Sweat him good,will you?"

"You bet; he will respect you, all men will respect you after this."

A warrant was issued and the beaten man brought into court. The same lawyer who instigated the suit approached him confidentially

"See here, Sam; you've got yourself into a devil of a fix. Do you know you can be sent to the state prison for this. But I'm on the other side, Sam, and I can save you. Give me five dollars and you are a free man."

"Cheap enough," said Sam, as he handed over the money and walked out of court.

At the request of the prosecution a *nolle prosequi* was entered and the case dismissed. The lawyer was met by Lewis shortly after who accosted him.

"How is this; how about trial, example, and institutions?"

"Well you see the judge was against us; so rather than risk a trial I withdrew for an appeal—"

"A 'peal? I'll peal you if you don't peal back that five dollars." The learned counsel pealed.

The following statement displays one phase of the workings of law, which goes far to show that it is often better to submit quietly to injuries sustained than to attempt redress in the courts.

"To the officers of Calaveras county.—Gentlemen: On the 24th day of February last, while travelling through your country, I was waylaid by a highwayman, who, after robbing the stage of Wells, Fargo & Co.'s express box, forced me to give up my purse, containing about eighty-three dollars. I am informed the amount obtained from Wells, Fargo & Co. was eighty-one dollars. On the next day the robber was arrested in your county, and no effort made to search him, except to take from him his pistol; neither was he searched for money nor identifying articles in his possession until he was incarcerated in San Andreas jail, although he was known to have over one hundred dollars upon his person, until he had employed one Mr Hopkins to defend him, securing his services by giving him a portion of the money stolen from me. The prisoner was then searched and over forty dollars found on his person. I was summoned by the proper authorities of said county to appear in said San Andreas on three separate occasions, to wit; before the committing magistrate, before the grand jury, and on the trial before the county court, to each of which summons I went as a witness from this city, my home. A few days before the final trial, the sheriff of said county expended a portion of the money found on the prisoner in purchasing him clean underclothing. On April 25th the prisoner, under the name of

Wright, was convicted, as charged in the indictment, of highway robbery, and has since been sentenced to fifteen years in the penitentiary, where he is now lodged and boarded at the expense of the state.

"Immediately after his conviction, I applied to the county judge for mileage or traveling expenses, who refused to make any allowance for either. I then applied to the district attorney, who claimed thirty dollars of the money in the sheriff's hands, as he informed me the law allowed it to him. I then applied to the sheriff for the money taken from the prisoner, who declined to pay out any of the money, except on the order of the judge, as several parties claimed it, to wit: The prisoner's attorney, the district attorney, and myself. After the sentence of Wright, I applied by letter to the county judge before whom he was tried and convicted, for an order on the sheriff to pay the money to me. His answer is as follows:

SAN ANDREAS, May 1, 1877.

Milo Hoadley, Esq., San Francisco.

DEAR SIR:—I do not think the court entitled to make any order directing the sheriff to pay over to you the money taken from Wright. It was in proof that money was taken from you by Wright. But that it was the identical coin was not proved, and even in the latter case would not have been under control of the court till after conviction. Your remedy was by a civil action for moneys had and received, commenced in justice's court. By attaching the coin in the sheriff's hands before the trial of Wright, you could have recovered judgment against him upon the conviction, and so received what the sheriff held.

Yours, Respectfully,

IRA H. REED.

"If the law, as practised in your country, is the law of the state, it is time it was changed; and so long as such is the practise under the law or against the law, if I am so unfortunate as to meet another highwayman, I will settle the matter by a draft on sight or

pocket the loss, and I advise my friends to pursue the same course. As the money stolen from me has been appropriated to defend and clothe the prisoner, and as I have been compelled to pay my own expenses for over nine hundred miles of travel, besides occupying two weeks of my time, I may expect a bill from your county for board and lodging of the prisoner, as also the expenses incurred in sending him to the state board-house.

Respectfully Yours,
MILO HOADLEY.

San Francisco, May 4, 1877."

A miner committed suicide on Feather river. A coroner's jury, a new institution in these parts, was empanelled, which after hearing and weighing the evidence, brought in a verdict that the dead man was "a damned fool."

Henry Lark, in 1854 justice of the peace at Amador, held court in the bar-room of the Magnolia saloon, that being his favorite resort when not engaged in trading horses. One day Jim Wall, the sheriff, brought in an Irishman accused of stealing messes of meat at different times from his neighbor's cabin. The justice was deep in old sledge with the barkeeper, Pitts, for a dollar a side, being far too shrewd to waste his time at any one-sided whisky game.

"Here, judge, give me your hand while you settle this business," said the sheriff, approaching the table.

"Git, and don't bother me," responded his honor. But recalling the dignity of his office as he raked in the dollar at the end of the game, he arose, and giving the sheriff his seat, threw his leg over the adjoining table, and with his eye took in the prisoner.

"Well, what you got to say for yourself?" at length demanded the judge.

"I beg," clearly and promptly fell from the lips of the bar keeper.

"I'll see you damned first," responded Wall.

"Sheriff, keep silence in the court," interposed the judge. Then turning to the prisoner, he began again. "Well, sir—"

Sheriff. 'Cut the kerds, barkeep."

Barkeeper. "Run 'em."

Prisoner. "I was only borrowin' the mate, yer honor," with a most winning smile.

Judge. "Why didn't—"

Barkeeper. "No you don't, Mr Wall; put your little old jack on that ace, and no nigging"

Judge. "Either this court or that game must adjourn if you don't make less noise."

Barkeeper. "One moment, judge; count your game, Wall."

Judge. "How much—"

Sheriff. "High, jack, game."

Judge. "Silence in court!"

For a few moments the players were comparatively quiet while the judge continued the examination. At length the sheriff, again forgetting himself, cried out, "Six, and; rip ahead, old hoss!" The judge rose in anger, but as he turned toward the players he saw the king and ten of trumps in the bar-keeper's hand, and the case was instantly forgotten.

"Wall, I'll bet you five dollars your beaten," exclaimed the judge.

"Done!" said the sheriff. "Come down with the cash; no fraud."

With cautious circumspection the point was played for. The whole attention of the judge was absorbed in the game. The sheriff won. Meanwhile the prisoner quietly withdrew.

"Fraud and cheating," cried the judge. "I fine you both ten dollars for contempt of court," and so concluded the trial.

Before the county court of Lake county, in 1865 I think it was, D. J. McCarty was brought for whip-

ping his wife. The case had provoked much scandal, and the courtroom was crowded. The district attorney, J. H. Thompson, had stated his case, and was ready with his witnesses, when a question was raised as to the admissibility of certain evidence. The attorney offered to produce authorities to sustain his position, but as he was slow in finding them the judge became impatient, and ruled the evidence out.

"The deuce you do!" said the attorney, "I'll read you the law, and bet you a thousand dollars I am right."

"Silence, sir!" cried the judge. "I'll commit you for contempt of court."

"Commit and be damned!" said Thompson. "I know my rights, and intend to maintain them."

"Sheriff! Crigler!" roared the infuriated judge, "take Thompson to jail, and adjourn court for twenty-four hours."

"Neither Crigler nor any other man shall take me to jail," Thompson replied.

Crigler stepped forward to obey the mandate of the court, but seeing that in Thompson's air and attitude significant of danger he hesitated. Meanwhile Thompson went on with his authorities, artfully mingling apologies with his remarks to the bench until the judge became pacified, and the trial proceeded.

In a justice's court, at one of the mountain towns of Calaveras, a case came up involving the ownership of a mining claim. The defendant was in possession. But the plaintiff claimed that he could prove a prior possession, and that the defendant had unjustly seized and held with intent to defraud that to which he had no right or title. The plaintiff was represented by counsel, dressed in civilized fashion, the defendant pleaded his own cause. Witnesses were called on both sides, but their testimony was not of that kind which gave the jury confidence in placing either party in possession. After the counsel for the plaintiff had spoken, the defendant arose.

"Gentlemen of the jury," said he. "I appear before you as my own counsel, a man of like passions and habiliaments with you, supported by the righteousness of my cause, and by an implicit confidence in your sense of justice. My opponent has summoned to his aid a lawyer, attired in a Shangha coat, and pitted him against an humble but honest miner. Gentlemen of the jury, is this proper; is it right? I have always been led to believe that the honest and intelligent miners of Calaveras would resist to the death the introduction of Shangha coats, and narrow-legged pantaloons. What then do I see? What is my surprise to behold in this community of hard-working, bearded, and woolen-shirted men, fastened upon us like a black sheep, the thing they call a gentleman; a learned man, a lawyer, a shyster, one who breeds broils, who lives by his wits, a shaved man, a soft-handed man; a monkey arrayed in patent-leather boots, white shirt, stand up collar, and black coat and pants. Fellow citizens we want no gentlemen or lawyers here. We are honest miners, hard-working miners, and capable of taking care of our own affairs, of making our own laws, of conducting our own trials, and of doing our own hanging. Are there among us any cut-throats, this man is their friend; are there here any thieves, or murderers, or claim-jumpers, this person will be to them as a brother—for a consideration. He it is who befriends the wicked, who assists those who will not work, those who live like himself by their wits. And as for my opponent, think you any man with a just cause would employ such assistance? No my fellow-citizens; such a course impeaches your intelligence, and brands him a renegade, an outlaw, and places him without the pale of the rights of humanity. I don't mean to appeal to your prejudices, but I can and will prove my prior possession to the claim in question."

Plaintiff. "That's a lie!"

Justice. "Fine the plaintiff ten dollars for contempt of court."

Defendant. "Assertion is not proof, neither are the bleatings of a black-coated hireling evidence; and when the plaintiff accuses me of lying he insults the majesty of the law, the sanctity of justice, and the holiness of truth."

The jury retired to deliberate; and on returning into court the foreman took his seat as near as possible to the door. The verdict was then rendered that neither of the claimants had proved possession, and that the claim was vacant. The mine was a rich one, and if indeed it was now without a legal owner, the first upon the ground could take it up and hold it. Scarcely had the foreman delivered the verdict when he made a rush for the door, followed by the litigants, the lawyer, and the remainder of the jury. The race was a hot one, several arriving on the spot simultaneously, when a general mêlée set in for the possession, which was finally settled by a game of freeze-out poker.

Cut-eye Foster was Yreka's first alcalde, and the year of his reign was 1851. He departed, with unseemly speed it is said, and left no docket. George C. Vail then assumed the duties of office, and no law-book ever embarrassed justice in his court. Vail's docket should be placed among the curiosities of literature. In it the history of each case was fully written.

The following incident found recorded in its pages illustrates the ways of justice within this precinct. A lad came into court one day, a hard-working open-faced fellow, and complained that a certain man for whom he had worked all winter, and had driven a team from Oregon, had sold all his effects and was about leaving the place without paying him. The boy's appearance added truth to his story. With two constables Vail started after the man, and found

him on the road with his back toward the town, making the best time possible, arrested and brought into court. He did not deny the boy's claim, but affirmed that he had not the money to pay it.

"Constable," said Vail, "take that man and stand him on his head; then shake him well, and listen if you can hear anything drop."

The prisoner was seized and the test applied; when from his pocket dropped a bag containing $2,000 in gold dust, out of which was paid the boy's claim of $300. The alcalde then adjudged himself and the two constables one ounce each, and after weighing it the bag of gold-dust was handed back to the man, who was then permitted to take his departure.

Scott Bar, Siskiyou county, in 1851 aspired to the dignity of possessing a justice of the peace. The candidates were Bill Simmons and Buffalo John. The friends of each were sanguine. Money flew, whisky ran like water, and the excitement grew intense. Buffalo John was the popular candidate, and the boys elected him without a doubt; but the three men on the board of canvassers were pecuniarily interested in the election of Simmons. Their only hope of ever getting certain money which he owed them was by making him a justice, so they declared him elected. Their plea was that Buffalo John had such a habit of opening his mouth every time he crooked his elbow as would disqualify him from wearing the ermine. An attempt was made to contest the election, but the decision of the board was unchangeable, and Bill was installed, and continued to get deeper and deeper in debt to his old friends until 1859, when he rolled up his blankets and departed for parts unknown.

A Truckee jury had been out four hours when the judge sent the sheriff to ascertain if they had found a verdict. As he approached the room the sheriff

hearing a great commotion stopped to listen. Then he called the judge, who had first an ear and then an eye to the key-hole. The tableau which presented itself should be engraved and hung in every court-room where jury trials obtain.

In the middle of the room was a table on which stood a demijohn of whisky, a pail of water, and half a dozen glasses. There was much condensed comfort in the demijohn, as was evident from the attitude of the already hilarious twelve, who were marching in single file round the table. First was a man with a huge base drum upon his back, followed by the foreman pounding it with all his might. The third was a snare-drummer, and the fourth a juror with a shrill whistle in imitation of a fife. The rest were singing.

Suddenly the sheriff opened the door and the officials stood before them.

"Hello, judge," hiccuped the foreman. "We couldn't agree nohow, so we thought we would put in the time social like s' long as we were a congenial company."

William Blackburn was an alcalde at Santa Cruz in 1847 and 1848. As an illustration of his unique decisions, the story is told of a native Californian who quarreled with a countryman, and being defeated in the contest, revenged himself by shaving the mane of his antagonist's horse. The case was brought before the judge for trial; the horse was present as a convincing witness, and a crowd thronged the court-house with curiosity to hear the judge's decision. After a deliberate examination of the witnesses, the malicious Californian was sentenced to receive punishment in conformity with holy writ, which demanded an eye for an eye and a tooth for a tooth. "Lead out the prisoner and let his mane be shaved in like manner as he served the horse," was the sentence, and its immediate execution afforded intense amusement

to the spectators. The judge then ordered that a saddle should be stuffed with the hair of the prisoner, so that justice might ride triumphantly upon the mane of vice. It was expected that the alcaldes would send their decisions to the governor and await his approval, but Blackburn, to secure speedy execution of justice, usually carried out his sentence first, and then reported to gubernatorial power. The only book employed in this court was a New York directory.

When the early administration of justice in California swelled from the alcalde's courts of the first instance, Santa Cruz becoming ambitious organized one of these superior tribunals, and appointed over it a superior judge. As all good jurists drank in those days, and as the legal learning of a judge was to a great extent measured by his capacity for carrying fiery liquids, by this measurement Judge Brown of Santa Cruz was a most able man. The depth of him was profound. Late into the night, and oftentimes all night, saw him at his mellowing devotions; and when next morning he took his seat upon the bench his head was seemingly so enlarged as to encompass the universe with all its whirling worlds.

One morning a Spaniard was brought before him charged with stealing a horse. The judge was scarcely himself that day; his faculties seemed benumbed, lukewarm, dissolved in space, neither in the genial glow of original potations, nor yet in a state of glorious insensibility. He was, as he would say, betwixt and between; too good to go to hell, too bad to go to heaven, and fit only to swell the *limbus fatuorum* of paradisiacal fools. At such times the unstable consciousness his mind could grasp was not of a happy kind; on the contrary while having least control of himself he was most self-willed and savage, so that on this morning he was almost as boastful in speech and as merciless in heart as any of Homer's heroes.

Only a few days before, the judge himself had lost a valuable horse, stolen from a vacant lot adjacent to his house, which circumstance tended in no wise toward the restoration of equanimity or general amiability of the magistrate on the morning mentioned. The prisoner was a hard-featured, wicked-eyed man, whose appearance to the dimmed vision and cloudy brain of the judge now seemed absolutely hideous. Unfortunately, the two ideas of his stolen horse and the horse-thief here present came together, and went bobbing and circling through his brain, until joining in weird embrace, the pitching of the pair over some precipice into stygian shades awoke the judge with a start, and lighted for a moment his eye with dire intelligence.

"Pedro Castro, stand up! I believe you are the damned scoundrel who stole my horse. The sentence of the court is that before the sun shall set you shall be hanged by the neck until you are dead, de-ad, d-e-a-d."

"But, your honor," says the district attorney, "the man has not been tried."

"Sit down, sir! This court knows its business, and wants none of your interference. Mr Sheriff, see the judgment executed immediately; this court stands adjourned."

All present were astounded, but all knew too well the temper of the judge to trifle with him in his present humor; so the condemned was removed to prison while the judge went home and tucked himself in bed, with a bottle of his favorite fluid within reach, and soon was snoring soundly.

The officers of the court were in a dilemma. As a matter of course, the immediate execution of the prisonor was not to be thought of, but how to meet the anger of the judge when he should have learned that his order had been disobeyed? After much discussion it was finally agreed that the clerk should enter judgment in the records, and the sheriff make return that he had executed the prisoner.

Next morning the judge awoke feeling unusually well. There are epochs in the experience of a drunkard when the opaque mists befogging the mind vanish, and the return of intelligence opens transparent as an arctic sky in midwinter, and this, too, immediately following a series of debauches. So shone the transplendent discrimination of the Santa Cruz judge as he smilingly took his seat upon the bench next morning sober. The courtroom was neatly appointed. Before the judgment desk sat the busy clerk writing; every officer was in his place, attentive, while the uncovered spectators, awe-inspired of ignorance, stood with under-jaw dropped on their breast, or speaking one with another in low whispers. Glancing over the calendar, the judge called the case of The People versus Pedro Castro.

"Your honor," respectfully replied the sheriff, "the man has been hanged."

"Hanged!" exclaimed the judge, as forebodings of something fearfully wrong crept over him, "I do not understand you, sir; there has been no trial yet."

"No, your honor," said the clerk, "but yesterday, you will remember, your honor waived trial, sentenced the defendant, and peremptorily ordered the sheriff to carry the sentence into immediate execution."

"Hanged, did you say?" meditatively remarked the judge as the situation gradually dawned upon him, "well, never mind, let the trial proceed *nunc pro tunc*. All orders and judgments of this court must be justified by due legal proceedings, and if the sheriff has so far erred in his understanding of the court as to lead to the commission of an unhappy blunder, the court will harbor no anger on that account, but will endeavor, so far as strict probity will admit, to reconcile the acts of the officers with the rulings of the court."

The sheriff thus mildly admonished then brought before the judge, whose learned complacency once more fully possessed him. the prisoner, who after a sober but speedy trial was duly condemned and executed.

The bench and bar of San José from the first numbered as many able jurists as might be found in any thriving town of equal size in America. To the more refined gravity of sedate societies their manner might seem a little coarse, and their expletives irreverent, but their law, and the practical application of it, could not be questioned. The court of sessions of San José, in 1850, as then organized, exercised jurisdiction in criminal cases of the highest degree. Judge Rogers was a large, broad-featured, big-mouthed, Johnsonian sort of man, able, profane, and almost brutal in his vulgarity, yet withal, below the superficial asperities of his nature, genial and sympathetic.

One day it became his painful duty to sentence a Mexican who had been tried before him to death. The prisoner did not speak English, and the judge deemed it proper that the sentence, as delivered, should be done into Spanish. The clerk of the court being competent was asked to act as interpreter, but as he was a man of shrinking sensibilities, he expressed abhorrence at the thought of being the medium of communicating the death intelligence to a human being. There are moods in the temper of strong men in which impediment only excites determination. All early Californians had a smattering of Spanish. When the clerk declined the office of translator, with a big round oath Judge Rogers swore he would make the man understand.

"You, sir, get up! levantate! arriba! Sabe? You been tried; tried by jury; damn you! sabe? You have been found—what the devil's the Spanish for guilty? Never mind—sabe? You have been found guilty, and you are going to be hanged; sabe? Hanged? Entiende?"

The Mexican was as courageous as the judge was coarse. Evidently he did understand, for with the characteristic nonchalance of his race, he replied, illustrating by signs and gurglings the hanging and choking process;

"Si, señor, debo ser colgado con chicote; ahorcado así; no es nada; gracias á Vd." "Yes, sir, I am to be hanged at a rope's end; strangled, so; it is nothing; thank you."

CHAPTER XXII.

DRINKING.

Over wide streams and mountains great we went
And, save when Bacchus kept his ivy-tent,
Onward the tiger and the leopard pants
With Asian elephants:
We follow Bacchus! Bacchus on the wing
A-conquering!
Bacchus, young Bacchus! good or ill betide
We dance before him through kingdoms wide
Come hither, lady fair, and joined
To our wild minstrelsy.

—*Keats' Endymion.*

A NOT unfitting opening for some reflections on life would be a dissertation on death. Were there no death the term life would have no significance. Did we not love life we should not fear death. However full of hateful conditions earthly existence may be, all things having life, man, animals, plants, cling to it; the uncertainties of death are more dreaded than the certain ills of life. Then, too, life is existence, being; a dead thing is nothing, having no existence, no being.

Yet further, life feeds on death; life lives on death; by the destruction of life alone is life sustained; were there no death, under the present economy of things, there could be no life, no continuing state of existence. Death is the grand and universal *interatance* of life; the infant's first breath is the breath of the dying. The whole scheme of animated nature throughout the planet, concocted and put in running order by a so-called beneficent creator, involves the consumma-

tion of a hundred deaths to maintain one life. How many lives of birds and beasts and fishes are taken to sustain the life of one human being from the cradle to the grave? How many fishes does a whale consume during its lifetime; how many small fishes will one large fish eat; how many smaller fishes will a small fish eat; how many lives does it take to sustain the life of the tiniest insect the eye can distinguish? Is then death so terrible, being so beneficial, so universal? For all that lives is dying; all that to-day is living, to-morrow is dead; all that is living is dying, ergo, living is not living but dying, and there is no such thing as life, all nature being either dead or dying.

The dead willow is the symbol of decay and death in Japan; in California if such a symbol was required we would take a dram-shop. In ancient times it was the arrow of Apollo that brought sudden death; in California when a man drops dead upon the street, or otherwise is taken off suddenly, we call it heart disease, apoplexy, the result of high living, usually, though not always, meaning—rum. And men are called fools for drinking themselves to death, when we have just seen death is essential to life, is inevitable to all, does not make a pin's difference whether it comes to-day or to-morrow—particularly to-morrow.

Whether we like the idea of death or dislike it, it is not wise greatly to trouble ourselves about it, as we cannot long delay it by any such means. As in the question of life or no life beyond the grave, as it never has been determined, as no one that we know of has ever come back from beyond the grave to tell us, we might as well cease thinking about it, and wait for more light—this being what we must do whether we will or not. Those who through some seventh sense, that not every one possesses, have been told to their satisfaction, and can themselves tell to the satisfaction of a hundred houses full, what life and death are, and what the state of affairs beyond, should rest contented; even if, after expecting a future existence,

they wake up in the next world and find it not so, that is if they find anything.

Man is the only beast that drinks to make himself drunk. In this he is more beastly than any other beast, and yet he has the impudence to employ a term beneath any which may be applied to himself in order to emphasize a vice too low for any created thing but himself to indulge in. I hold it great injustice to beasts for man to call his own base indulgences beastly. Beasts are less beastly than men. It would be nearer right for beasts to charge the more excessively disgusting of their practices humanly, for beasts are not denaturalized by their passions like men. And along with drunkenness, and the necessity of establishing laws under which to live, place the faculties of speech and abstraction, the one used to no small extent in lying and swearing, and the other in cheating and overreaching, and we have before us all the tangible differences betweeu human and animal societies.

The word whisky is from the Gaelic *ooshk'-a-pai*, which signifies "water of health." Usquebaugh, Irish, *uisge'-a-bagh*, also the French *eau de vie* may be rendered "water of life." The whisky taken to the mines, however much water there may have been in it, was neither "of health" nor "of life." The truth is, if anything could breed distemper, disease, and death it was this same strychnine whisky. In regard to water, too often it was like Father Tom's punch brewed in the parlor of the Vatican—conspicuous for its absence. "Put in the sperits first," said he to the pope, "and then put in the sugar; and remember, every dhrop ov wather you put in after that spoils the punch."

Satan once presented himself before Noah, if we may credit the Talmud, to drink wine with him. The devil in this instance must have been teaching morality, for to show the patriarch the several effects of wine in various quantities, he slew a lamb, a lion, a

pig, and an ape, the first being emblematic of man before drink, the second of the effect of wine in moderation, the third the condition of a sot, and the fourth the senseless chatterings of the imbecile drunk.

In Greek carousals one of the first things to be considered was whether it should be optional or compulsory as to the quantity each should drink.

Intemperance is treated as a vice in one of its phases only. The drunkard, so runs the tone of society, is an immoral beast, whom to scorn and shun is Christian and praiseworthy. Yet wine in moderation is a blessing, and not a curse. So arsenic and strychnine have their uses, otherwise it was a mistake of the creator to have made them.

Like everything else, drinking took on its own form in California. From a drinking-shop arose, outside Sebastopol, the fortified town and famous tower of Malakoff, which in the Crimean war was the cause of so much annoyance to the allied army, from a drinking-shop arose in San Francisco a race of bonanza kings.

Men steeped their souls in drink. Anything was made a pretext—the arrival of news, the 4th of July, the Sunday festivities, the death of a comrade, a hanging scrape, or simply being seized with thirst, and the whole camp would be taken suddenly drunk. There were always those about bar-rooms puffing away for years apparently upon the same cigar, and who were never entirely sober, and who hob-nobbed, chinked glasses, and drank tête-à-tête with all who would pay the score. Then there were thousands utterly alone in this wilderness of civilized wild men, bowed down to the earth by their misfortunes, to whom forgetfulness obliterating woes was better than memory to keep alive the good, and this forgetfulness many would have at any cost. They would drink themselves into a state of most unbeastly intoxication; they then would go to and drink themselves sober. Then there was the coming out of it, the hardest of

all, the blues, the shakes, the shame of it all; but out of it they must come or die, and that no one feels more keenly than the drunken man himself.

Rum they found not less potent in its cure of disappointment, melancholy, and heart-aches than the nepenthes of Helen, that draught divine which lifted the soul above all ills. Their breath was almost as foul as that of Macamut the Sultan of Cambaya who, if we may believe Purchas, lived on poison, and became so saturated with it that his touch or breath caused instant death.

Sometimes half the members of a mining camp would fall into the habit of periodical sprees which would last usually from two to three days. A stranger once arriving at Rich Bar on Feather river about three o'clock in the morning, dismounted from his mule before a hotel grocery, being led thither by the glimmering of a light. A sound of revelry was heard within, but as all the other houses of the place was wrapped in darkness the stranger made bold to enter and inquire concerning accommodations for himself and beast. After arranging his affairs for the night, or rather for the rest of the morning, he remarked casually to the keeper:

"It strikes me your customers are rather late to-night."

"Oh! no, stranger," replied the landlord, "the boys of Rich Bar generally run for forty-eight hours. It's a little late this morning perhaps for night before last, but for last night, why bless you, it's only just in the shank of the evening!"

Time was when in our now staid and solemn-visaged communities everybody drank, everybody sometimes drank too much. They were measured by the number of bottles they could carry, and the always-sober man was a rarity. If appetite flagged thirst was excited by condiments. Drink was dealt out in horns and pointed-bottom cups that would not stand so that the drinker must finish the draft before laying down the cup.

The weak, the weary, the beaten in life's battle, to say nothing of the lazy and profligate of all ages and climes, seem to crave stimulation or stupefaction. Wine, spirits, beer, and tobacco in Europe and America, hasheesh in Egypt, and opium in China are the chief indulgences, but there are multitudes of minor drinks such as Indian hemp and Aztec pulque of no less deadly intoxicating virtues. All these prevail to a frightful extent and constitute the national vice. Hasheesh first elates and then depresses, and continued indulgence results in idiocy or death.

Speaking to Boswell of one who urged his guests to drink immoderately at table Johnson said "Sir, there is no more reason for your drinking with him, than his being sober with you."

Little Pope drank his bottle of burgundy every day at dinner, thus warming his diminutive dried-up body into that comfort which made itself known by entertaining gaiety. Sir Joshua Reynolds drank freely, and greatly enjoyed it, but he seldom indulged to excess.

Doctor Johnson observed that "our drinking less than our ancestors was owing to the change from ale to wine." "I remember," said he, "when all the decent people in Lichfield got drunk every night, and were not the worse thought of. Ale was cheap, so you pressed strongly. When a man must bring a bottle of wine, he is not in such haste. Smoking has gone out. To be sure, it is a shocking thing, blowing smoke out of our mouths into other people's mouths, eyes, and noses, and having the same thing done to us. Yet I cannot account why a thing which requires so little exertion, and yet preserves the mind from total vacuity, should have gone out. Every man has something by which he calms himself; beating with his feet, or so."

Thus it was that all along the foothills, and indeed, all over California, coequal with Plutus reigned the god Dionysius, sometimes one and sometimes the other

having for the moment the supremacy. All nature here was filled to overflowing with that intoxicating power which carries men onward in their wild career to happy success or soul-crushing destruction. Here so often they might with the Cyclops sing,

"Ha! ha! I am full of wine,
Heavy with the joy divine."

Thousands every day were as drunk as birds of paradise—so drunk that ants might eat their legs off.

There have never been lacking those who in a breath would solve all social riddles, and eradicate all social evils. There are temperance fanatics as well as religious and political fanatics, and anti-slavery, anti-tobacco, and anti-tea-and-coffee fanatics. It is not by grinding still deeper in the mire the unfortunate and vicious that gambling and prostitution are eradicated. "The California wines are a disappointment and a failure," says Dr Holland rejoicingly. "They are not popular wines, and we congratulate the country that they never can be." This is not only untrue, but it is both a wicked and a silly sentiment.

Lecky perceives a remedy in the use of tea, coffee, and chocolate, which checks "the boisterous revels that had once been universal, and raising woman to a new position in the domestic circle, they have contributed very largely to refine manners, to introduce a new order of tastes, and to soften and improve the character of men."

The Norsemen taught the English to dismiss their ladies from their drinking-parties; the Vikings followed the same custom.

The custom of pledging in wine arose during the tenth century, when it was considered a necessity for a person, while drinking, to have some one to watch, lest he should be killed by some enemy or stranger during the act.

In drinking to their lady-loves, the Romans used to take a glass for every letter of the name; spelling with beer-glasses, Hudibras called the custom.

Of a truth, they played well the Greek in their cups. *E pithi e apithi!* Quaff, or be off! Cut in, or cut out! Or in the language of our time, to promote hilarity it was the rule that every man should tell a story, sing a song, or treat the crowd.

The drinking customs of California were peculiar, as I have said, but not all the drinking and drunkenness of this world has been confined to California. "I was afraid he might have urged drinking," says Boswell of Johnson, "as I believe he used formerly to do, but he drank port and water out of a large glass himself, and let us do as we pleased. . . . After supper Dr Johnson told us that Isaac Hawkins Browne drank freely for thirty years, and that he wrote his poem, *De Animi Immortalitate*, in some of the last of these years. I listened to this with the eagerness of one who, conscious of being himself fond of wine, is glad to hear that a man of so much genius and good thinking as Browne had the same propensity." Again: "I reminded him how heartily he and I used to drink wine together when we were first acquainted, and how I used to have a headache after sitting up with him. He did not like to have this recalled, or perhaps thinking that I boasted improperly."

Johnson expressed great contempt for claret, saying, "a man would be drowned by it before it made him drunk. Claret is the liquor for boys, port for men, but he who aspires to be a hero must drink brandy. In the first place, the flavor of brandy is most grateful to the palate, and then brandy will do soonest for a man what drinking can do for him." At another time he said, "Drinking may be practised with great prudence; a man who exposes himself when he is intoxicated has not the art of getting drunk; a sober man who happens occasionally to get drunk readily enough goes into a new company, which a man who has been drinking should never do. Such a man will undertake anything. He is without skill in inebriation. I used to slink home when I had

drunk too much. A man accustomed to self-examination will be conscious when he is drunk, though an habitual drunkard will not be conscious of it. I knew a physician who for twenty years was not sober."

In the cities and towns there was a noticeable absence of homes. Stores, saloons, restaurants, boarding-houses, and hotels made a metropolis, and to this day the habits of herding then contracted hang upon the people. In 1849 almost every house and tent, public and private, received lodgers for pay. A regular lodging-house consisted of one room, with shelf-like bunks ranged round the sides, each of which held a straw mattress reeking with filth and vermin, and a pair of musty blankets. Cots occupied the centre of the room, and sleeping-places were chalked out on the floor, where, after the beds were filled, others might stretch themselves in their own blankets at a dollar a night. Merchants slept in their offices, with their employés scattered about the premises on counters, benches, tables, trunks, boxes, or bunks. Cooking was also done in many places of business. Then eating-houses arose of every grade, from the Chinese chow-chow to the Montgomery street saloon where, in 1854, a hundred attachés waited on three thousand hungry applicants daily.

The so-called hotels which sprang up in the mining camps were usually built of rough boards, being of one story, with a common sleeping-room, or of two stories with separate apartments above. The front door opened into the bar-room, which was also office and billiard and gambling saloon. There execrable wine and spirits were sold at twenty-five or fifty cents a glass to the filthiest scum of human kind that ever congregated to eat, drink, smoke, chew, spit, gamble, shoot, stab, and blaspheme. Adjoining was the dining-room, where, on a long clothless table, flanked by wooden benches, beefsteak, beans, boiled potatoes, dried-apple sauce, dusky bread, pickles, and molasses,

are served to miners, teamsters, traders, gamblers, and politicians, who sit down together, the washed and the unwashed, without regard to quality or caste. On the same bench may be seated a clergyman, a Sydney convict, an Oxford graduate, a New York blackleg, and the professional drunkard of the town.

Sometimes for bunks canvas was stretched over wooden frames; a hay pillow and a pair of blankets comprised the bed. Fifty or a hundred of these berths were sometimes constructed in one room; each was numbered, and on signifying his wish to retire, the traveller, on payment of a dollar to the hotel-keeper, might hunt out his place, and without undressing, deposit his bag of gold-dust and revolver under his pillow, and go to sleep—if the fleas would let him. Outside the door stands a barrel of water, and on as many kegs three or four tin basins with a chunk of washing-soap convenient, where morning ablutions may be made. Against the house hangs a piece of looking-glass, and a well-worn brush and comb are conveniently fastened to a chain or string. After a wash and a gin cocktail, the boarder is ready for his breakfast, which is despatched with marvellous rapidity. At meal times, if business is brisk, the bell or gong does not fail to create a stampede toward the dining-room door; a rush is made for seats, and the disappointed retire and wait for the next sitting. In the evening all congregate in the bar-room, light their pipes, lift up their obscene voices in boisterous jokes, and strut about ready to give "particular hell" to any who dare question the rights of liberty-loving American citizens to do as they please.

Stores also had their bars, where, beside the sale of calico, canvas, clothing, hardware, canned fruits and meats, sugar, flour, bacon, and tobacco, the dice were thrown, quarters flipped, or a game of cards played for the drinks. For this purpose a table and chairs were provided, where cans might be opened and oysters eaten.

The restaurant is a prominent feature in the feeding economy of the country. The best are kept by foreigners, Germans, French, Italians; American restaurants are invariably second, third, or fourth rate. The typical American can keep a hotel such as no foreigner may hope to equal, but when it comes to restaurant-feeding, the tables are turned. The cause may be traced to the facts that the American hotel is an American institution, while the restaurant is as fully European.

In 1854 a Parisian rotisserie was set up on Kearny street, where fish, flesh, and fowl for the million might be roasted. In the fire-place, beneath a chimney six feet wide, and resting on an iron grating, was a long fire of wood, parallel to which, and about eight inches from it in front, were three iron rods, with numerous prongs upon which to hang meat to be roasted, and wheels rigged to turn it so as to cook it equally on every side. Meat and game to be roasted might be purchased there or elsewhere, or it might be bought there ready cooked, but it had to be taken away as soon as ready, for eating on the premises was not permitted. Half a dollar was charged for roasting a duck or chicken, and no frying, boiling, or broiling was done—nothing but roasting, and that for a specific consideration. Thus was the division of labor in this cosmopolitan city applied to the laudable art of cookery.

Bar-room boarders formed a class peculiar to the country. They might be seen lounging about the court-house, the hotels, and the saloons without occupation or visible means of support. They were fat, sleek, well-dressed, with independent mien, with gold and silver jingling in their pockets, and contentment smiling in their faces. They were never known to work; how then did they live? I see one with a gold-headed cane in well-fitting beaver coat and pants, with a glossy silk hat, pluming his well kept mustache and whiskers in front of a first-class boot-black establishment where an extra polish had just been given to

his red-topped boots. A heavy-cased watch—was it gold?—which he drew from his pocket told him it was ten o'clock; a brother bummer came sauntering along the street, sidled up to him with scarcely a perceptable sign of recognition, and began a conversation remarkable for its fewness of words. As among beasts and lovers in the simple presence of each other there was a mute understanding untranslatable into the vulgar tongue. Presently they turned and walked away, under the guidance of their particular providence.

The system of free lunches has not been wholly free from abuses. While it was a point of honor in patrons neither to eat nor drink too much, often there were those so carried away by the effect of the savory viands on their unruly appetites, that the proprietors lost money by their patronage. In November 1854 a movement was made by some fifty or sixty fashionable saloon-keepers in San Francisco to abolish this original, yet honored institution; but so firm was the hold upon the popular stomach, that it was found to be impracticable. It was estimated that at least five thousand persons were directly interested in the movement, and dependent on the result for their daily refreshments. The committee reported in favor of abolishing the free lunch system, but the proprietors failed to adopt it, and the custom was indefinitely continued.

The hotel system of 1849 reached a state of perfection under the auspices of a certain shrewd genius of Sacramento. In those days whisky as a means of warmth was more plentiful and profitable to innkeepers than blankets. One landlord had in his barroom seven bunks, one over another, made of flour and coffee sacks stretched between two horizontal poles fastened to posts, forming an uncomfortable hollow just wide enough for a medium-sized man to drop into. For these seven bunks there were but one pair of blankets, and how to satisfy seven customers, and get pay for seven beds with but one pair of

blankets was the question. But the genius of the landlord was equal to the emergency. The nights were wet and cold, and naturally enough as the boys came in from their supper they sat down to play for the whisky before going to bed. The liquor was strong, the drafts upon it copious, and in due time one after another beginning to feel its comforting and somnolent effects would ask for a bed. The affable and ready landlord promised to accommodate them all if they would be quiet and take their turns. Conducting the first applicant to the bunk-side of the room which was shielded from view by barrels and boxes, he assisted him into the topmost berth and covered him nicely with the blankets. Then waiting until the man was fast asleep he removed from him the blankets, and spreading them in another berth called for the next, and so on until all were put to bed and asleep. Then taking the blankets from the bed of the last customer, the landlord rolled himself comfortably in them, threw himself upon the floor, and slept soundly until morning.

The first man awakes shivering with cold; the effects of the fiery fluid have passed away, and the blankets are gone. "Who has stolen my blankets," he growls. This wakens the next who also finds himself uncovered, and the next, until all are up and on the floor cursing in unison the thief. Soon the landlord makes one of the party, and mourns the loss of his blankets. "Well! I must get out of this," says the first. "Landlord, how much is to pay?" "Two dollars." "Two dollars!" isn't that rather tall for sleeping on two poles?" "It is only a dollar a pole," replied the landlord, "and I think it very cheap; besides I have lost seven pairs of blankets which you ought to pay for, so you should be satisfied." Fearing if they further demurred they would have the blankets to pay for, each paid his two dollars and withdrew, while the landlord made up his beds for the next night.

Wine, women, and the gods comprehended all that was divine among the ancients. After the discovery of America, however, the settlers becoming godless, and yet not willing to be behind their primogenitors in point of felicities, substituted tobacco, and never before did wine, women, and tobacco, severally and unitedly, lend their charms to solace and derange humanity as in the case of mammon-martyrs of California. The last was considered a necessity, and the first soon became the cordial of success, the consoler of the unfortunate, and the medium of courteous exchanges.

Some of man's distinguishing characteristics, showing his great superiority and true nobility of soul, before intimated, lies in the creation of appetites for the pleasure their gratification gives; appetites which may be renewed, not satisfied by the indulgence, but which grow from what they fed on. He alone eats without hunger, drinks without thirst, smokes, blasphemes, seeking for body and mind new sensations. The custom of drinking healths and rememberance dates back to periods of the remotest antiquity. In the earliest ages as at the present time it was a religious as well as a social ceremonial. As Anacreon sings: "Does not the earth drink the waves, the tree the earth, the sea the air, the sun the sea, and the moon the sun? Then why should I not drink?" The Hebrews had their drink offerings, the Greeks and the Romans poured out their libations to the gods, and Christians to this day observe the command, drink ye all of it. From these beginnings drinking to majesty naturally followed; the health and victories of Augustus were drank in Rome; and feasts were celebrated in which drunkenness was the chief feature. The Greek proverb adopted by the Romans does not, however, say, I drink in order that your health may be improved or preserved, but I invite you to drink by drinking myself. It was the fame of the mistress rather than her health that was to be

promoted by the ceremony. A piece of toasted bread was thrown into a tankard of ale, and toast-drinking followed. The custom grew in favor; men and women were glad of any excuse for indulging the growing appetite, so that finally health-drinking fell into general observance. Healths were drank to form or cement friendships, to bind a bargain, to the honor of those who came and went, to the memory of the departed—though health-drinking to the dead was, indeed, carrying the custom to an absurdity. Under its auspices war was declared, and peace ratified, sworn enemies became friends, and friends enemies. Sentiment being thus mingled with drink, the reverence and love expressed were in proportion to the quantity of liquor quaffed; this as well as the supposed mark of manliness in being able to stand up under large potations made excessive drinking fashionable. He whose physical strength should longest endure while the mental and moral faculties were undergoing debasement was the best fellow; but this sad merit is now restricted in its recognition to brainless boys and silly men. Æsop, the slave, waiting at table, marked the effects of excessive wine-drinking in three stages; first voluptuousness, second, drunkenness, and third, fury.

That liquor-drinking should have been carried to excess in California is not to be wondered at. The temptations were strong. Some who blame as senseless folly this species of suicide may or may not have done better under similar conditions; with different mental, moral, and physical organization and training —accidents reflecting no special credit on the possessor—similar to those of the gambler, the thief, the drunkard, the murderer, under like circumstances to theirs, the immaculate man of self-complacency would certainly have been one or all of these. Men cannot long endure a heavy strain upon their faculties without letting down. This letting down may be accomplished by some in one way and by others in another

way. Piety will do it in frequent instances; sabbath, Sunday-school, church, prayer, and bible reading. But all men have not piety, never were trained to it, do not know what it is. Intellectual culture, the mastery of mind over base passion, which leads to reading, thinking, writing, will sometimes accomplish the purpose, but still fewer have these resources within them. To produce self-forgetfulness, the miners resorted to out-door amusements, and generally with good effect; horse-racing, foot-racing, ball-playing, and indoor novel-reading, card-playing, checkers, and chess were common. Lonely and desolate in their self-imposed ostracism, they were neither cynical nor unsocial. They felt the necessity for periods of self-forgetfulness, and did what they could to make themselves boys again. But this was not always sufficient, and with an antidote to every ill always ready at hand, with characteristic directness they too often applied it. During the hours of occupation some sort of stimulant seemed necessary to keep up the steam, and when work was over, the stop must not be too sudden. So, if hot, they drank to get cool, if cold to get warm, if wet to get dry, if dry—and some were always dry—to keep out the wet. When they wanted to get up an appetite for breakfast, they took a drink, and then another to aid digestion. Any shadow of an excuse, any cause except the true cause—which simply was to solace or excite the brain—was readily seized and offered. Thousands thus drank to themselves damnation, thousands are to-day drinking it; noble natures which nothing else could overcome, vanquished at last by the arch-fiend. Often the heart was already broken before the demon was let in.

In the early days of California, however, drunkenness was not the vice so much as drinking. Tippling was common from the beginning; the excitements and atmosphere of the country were congenial to it. There were at first no more confirmed drunkards here than elsewhere, nor, indeed, so many, for these were not.

the kind that came to California. For the enormous quantities of liquor consumed, the number of drunken men was few. It was later that multitudes were overcome of this evil. Then no one regarded drink in the light of an enemy to steal away his brains, but rather as a friend that promoted good fellowship, that cheated of their tediousness the slowly-passing dismal hours, that banished sorrow, that lifted care with instantaneous magic hand from off the brain, and gave it sweet oblivion, that inspired bold thoughts, that enlarged the soul, that etherealized the tamest joys, and threw a halo over coarse surroundings. Hard work and hard drinking with many went hand in hand; but such men drunkenness seldom overtook, or if it did, it was occasional rather than common.

It has been said that there is something in the climate of California which superinduces delirium tremens with less provocation than elsewhere. I do not know what it is, unless it be the same that superinduces business and social delirium, auri sacra fames. These were the days of delirium, and he who was not delirious might thank his numbness and stupidity for it. California life was but a succession of alternate periods of delirium and apathy.

Drinking-saloons were a prominent feature in all the mining camps. Sometimes of logs, sometimes of white cloth nailed over a frame, but usually of boards, lined on the inside with cloth or paper, or both, not more than one or two stories in height, but spreading over considerable ground, they were conspicuous in appearance, and generally occupied a central position. Before the door, or if the weather was cold, inside around the stove, were seats which any one, whether patrons or not, might occupy. On one side of the room was the bar, over which liquor was sold, and in various parts of it were green baize-covered card tables and chairs, where "poker," "seven-up," and "euchre" were played, both for money and for drinks. One or more large long tables, surrounded by benches

and chairs, stood near the centre of the room, where professional gamblers presided, and sometimes two or three billiard tables were placed in the end farthest from the bar. Private rooms for gambling purposes opened from the main saloon, where two or three days were often spent by one party without intermission. At the back door, huge piles of bottles, casks, cans, and cigar and tobacco boxes conveyed some faint idea of the extent of the business within.

In the larger saloons tobacco and cigars were sold from a stand fitted up in one corner, and an elaborate luncheon was set out on a table once or twice a day, of which he who bought a drink might partake without extra charge. This "free lunch," as it was called, consisted at first of only crackers and cheese, but competition gradually enlarged the ideas of saloon proprietors until finally it grew into a sumptuous repast of soups, fish, roast meats, and side dishes. At these places one could obtain, in addition to a drink which cost perhaps twenty-five cents, a dinner which elsewhere would cost twice or thrice that sum.

As a matter of course there were all grades and descriptions of saloons, from the lowest "bit" house, where "rot-gut" whisky, "strychnine" brandy, and divers other poisonous compounds with slang names were sold, to the most gorgeous drinking palaces, with large mirrors and magnificent oil paintings, and whose fittings and furnishings alone cost sometimes ten, twenty, or thirty thousand dollars. In 1853 there were in San Francisco 537 places where liquor was sold, 46 of which were public gambling houses, 743 bartenders officiating. No wonder that hard times set in. A thousand leeches, poison-mongers, in half a thousand houses, in a comparatively small society, as San Francisco was then, this alone was enough to bring the curse of God upon the place, not to mention prostitution, political bribery, mercantile dishonesty, and twenty other forms of demoralization.

The saloon-keeper was one of the dignitaries of the

town; he interfered to prevent bloodshed, was the umpire in disputes occurring within his precincts, and after the battle attended the wounded, cared for the dying, and buried the dead. In the more lawless districts, a barricade of bags of sand or other bullet-proof barrier was constructed inside the bar under the counter, so that when shooting became lively the bartender had only to drop behind his fortification and be comparatively safe, while those in the middle of the room must drop flat on the floor, or shield their hearts with table, chair, or bench.

Comedy, however, was the rule, and tragedy the exception, and the saloon was the scene of many practical jokes. Catch-bets for drinks, and tricks to bring the uninitiated into ridicule and make them "treat," commanded the resources of the inventive brain. A common "sell" was for some one, usually a judge or other respectable and dignified personage, to invite the crowd to participate, with the welcome words, "Come, boys, let's all take a drink!" Soon the bar is surrounded by a score of ready fellows, each watching in happy mood the concocting of his favorite draught. Touching their glasses all, and bowing acknowledgments to their inviter, twenty arms are uplifted, twenty heads thrown back, twenty watering mouths are opened, and down twenty itching throats twenty nectareous potations erode their way, and as the glasses touch the counter again, the inviter sotto voce observes, "And now, boys, let us all pay for it!"

Innumerable were the toasts given; besides the world-wide and stereotyped "I drink your health," "I pledge you," "here is to you," "my regards," "my respects, gentlemen," were local and individual toasts, as well as those improvised for occasions. Usually they were short and caustic. "Here's luck," "here's fun," "here's at you," "here we go," "here's all the hair off your head," "I am looking towards you," "until to-morrow," "here's another nail in

your coffin," "here's hoping these few lines will find you enjoying the same blessing."

The apt and chameleon-like bar-keeper, who could adapt himself to the color and moods of every customer, though not a proprietor, was a person of no mean consequence. Studying his business as a profession he rose in it, ennobling himself while he ennobled his occupation, as he acquired skill. With practice his clumsy fingers became pliable, and bottles and glasses flew from shelf, hand, and counter in orderly confusion.

Decanters tipped their several ingredients into the forming compound with magic nicety, and cascades of brilliant liquids poured from glass to glass held at arm's length with the precision of a rock-bound cataract. Nor was the profession restricted in its advancement to mere mechanical skill. Ingenuity was displayed in concocting new nectar, and soon a long list of delicious beverages became as household words. There was the champagne cocktail, the mint julep, brandy smash, hot whisky punch, sulky sangaree, tom and jerry, and a host of others, but the usual mode of taking drink was, as most other things were taken in California—straight.

Sundays, evenings, and at all times saloons were the general rendezvous for the entire population. There loafers congregated and business men met; there all flocked to learn the news, to talk over the prospects of the times, to beguile tedious hours, and once there smoking, drinking, gambling, stag-dances, blasphemous yells, and shooting followed. Brilliantly lighted at night, with a roaring fire in cold weather, and chair and benches on which to sit and smoke, and tables at which to drink and play, in those days of loneliness and discomfort they were the most attractive places in the town. Nor was it considered improper or disreputable for a respectable man to be seen there as I have before remarked, even although, as was oftentimes the case, the scene was graced by

the presence of the painted jezebels, and the walls adorned with pictures of female figures with opulent undraped charms, and bands dispensed loud music to devil-inspired dancers, and the smoky air was thick with oaths and imprecations. "There is nowhere else to go," the solitary and forlorn would say, and when compelled to choose between their miserable homes and these flaunting halls of hell, the average conscience became quite pliable and accommodating.

In such society and with such surroundings it was almost impossible for one to live and never drink; and he who in righteous wrath repudiates the idea as absurd knows nothing about it. Man must associate with his fellows; he cannot long remain alone. Neither can he live long individual and peculiar in his habits unless he be possessed of a hermit's nature —and I know of no hermit who ever came to California. Hence it is, sooner or later, he is bound to fall into the ways of those about him. An invitation to drink, in those days, was almost equivalent to a command, and to decline was frequently to give offense. He who refused was deemed either prudish or churlish, neither of which qualities his companions were disposed long to tolerate. The honest miner, the unshaven, woollen-shirted, drinking, swearing man was the social ideal, it was dangerous for a man to pretend to be better than his fellows. Often men have been mobbed in the mines for wearing a stove-pipe hat, or black coat, or for shaving his chin, or for doing in any way as others did not do. Then if you accept an invitation to drink with others you must sometimes return the compliment; failing to do so is worse than not to drink at all.

The English custom which, within the bounds of respectability, limited drinking to dinner and evening did not here obtain. Having just dined was oftener an excuse for declining than a pretext for accepting. Dinner did not divide the day as in older and more staid communities; there was as much to be done

after dinner as before, and people came hither to work rather than to enjoy themselves. Every moment not devoted to the accomplishment of the purpose that tore them from home and friends seemed wasted.

To drink alone was to demean one's self; it smacked too much of drinking for the love of it, which even in their wild times, and notwithstanding all men did it, was held disgraceful. Such a one was either an 'onery cuss' or a 'whiskey-bloat,' or both; and so with the high-minded and open-handed, the bar-keeper must drink if there was no one else available.

Not unfrequently in the remoter and more isolated camps, from snow or flood, supplies would become low and prices advance enormously. In such cases a scarcity of food was more philosophically endured than the total absence of liquor and tobacco. After such a season of abstinence, the first train arriving would be surrounded by a crowd of thirsty souls with bottles, cups, coffee-pots, and saucepans, all eager for a supply of the precious liquid. Ten dollars was once offered for the privilege of using a straw at the bung of a keg of New England rum. Excess followed as a matter of course, and soon every phase of inebriety was manifest, from prattling jocundity to roaring intoxication. Patriotism would break forth in song and dance; whith thick tongues and husky throats the sons of Erin would sound the glories of the Emerald Isle, the Germans of their fatherland, the Frenchmen of sweet France; Yankees apostrophized their growing country. Englishmen challenged all the world to mortal combat, Spaniards, mounted on mule or mustang, dug their long rowels into the animal's bleeding sides, and rushed hither and thither making the hills ring with their delirious shouts. Old quarrels were revived, and the flash of steel and discharge of revolvers, as much to the danger of bystanders as to the combatants themselves, lent their peculiar charm to the occasion.

Many drank spasmodically; hard workers attending

closely to business for days and weeks without touching a drop of liquor, then took to drink for a day or a week, and after their debauch returned to their work with new vigor. Business is one thing and pleasure another, they say—one should be wholly distinct from the other. In Europe all drink and without ceasing, but usually in moderation, and mixed with their work which is light; in California the two were somewhat separated, and the work was harder.

Gulliver assured his horse friends, the Houyhnhnms, "that wine was not imported among us from foreign countries to supply the want of water or other drinks, but because it was a sort of liquid which made us merry, by putting us out of our senses, diverted all melancholy thoughts, begot wild extravagant imaginations in the brain, raised our hopes and banished our fears, suspended every office of reason for a time, and deprived us of the use of our limbs, till we fell into a profound sleep, although it must be confessed that we always awoke sick or dispirited, and that the use of this liquor filled us with diseases which made our lives uncomfortable and short." This was at a time when Swift's contemporary, Sir Richard Steel, says of England that "the common amusement of our young gentlemen, especially of such as are at a distance from those of the first breeding, is drinking." And furthermore that "it is very common that evils arise from a debauch which are fatal, and always such as are disagreeable."

There are many like the learned Samuel Johnson and Hazlitt, who can abstain wholly, but who cannot practise abstinence. There are men, who from their very nature, can do nothing in moderation. Men of genius, particularly, being of necessity unevenly balanced in mind, tend to every species of excess. Broad laxity follows severe effort, and free indulgence temporary abstinence. For many years Johnson drank no wine; but toward his latter days he took it up

again, and greedily swallowed large goblets of drink, mostly in private. Often he advised Boswell to abandon the bottle, but Bozzy loved his potations, and preferred his sottish enjoyments to any other.

Johnson. "I did not leave off wine because I could not bear it; I have drunk three bottles of port without being the worse for it. University college has witnessed this."

Boswell. "Why, then sir, did you leave it off?"

Johnson. "Why, sir, because it is so much better for a man to be sure that he is never to be intoxicated, never to lose the power over himself. I shall not begin to drink wine again till I grow old and want it."

Boswell. "I think, sir, you once said to me that not to drink wine was a great deduction from life."

Johnson. "It is a diminution of pleasure, to be sure; but I do not say a diminution of happiness. There is more happiness in being rational."

A Boswell will tell you that benevolence lies at the root of drunkenness. A friend asks you to drink with him, your entertainer begs you to take wine with him, and rather than offend, or seem discourteous, or send a chill round the table, you throw aside your scruples, drink once, then again and again, and soon know next to nothing.

The practice of urging persons to drink cannot be too plainly condemned. To some, drink is distasteful, to others hurtful, to others maddening, to not a few—death. It may be pleasure for him who can with ease command his appetite, for him to whom excess in drink has no temptations, by appealing to friendship, good-fellowship, and in the name of hospitality to wrap around those he pretends to love a sheet of flaming fire which shall consume them.

Said Sir Joshua Reynolds, "At first the taste of wine was disagreeable to me, but I brought myself to drink it that I might be like other people. The pleasure of drinking wine is so connected with pleasing

your company, that altogether there is something of social goodness in it."

Though wine may make us better pleased with ourselves, it does not always make others better pleased with us. Such is not always the effect, I say, but sometimes it is. Many become more agreeable in society as they forget themselves, so that they do not go too far and forget others. Although drink furnishes one with neither wit nor learning, it often breaks down the barriers and liberates such abilities as before were confined. It animates what before was dormant. It thaws congealed ideas, and unlocks the tongue. The effect of this may be pleasing or otherwise.

After all it is a skulking for brilliant effect which manliness despises. Better a mind so cultivated and manners so assured that a man can be as much himself while in his senses, as when beside himself.

When alone, as well as when in company, laboring under a humiliating sense of awkwardness or inferiority, many drink to get rid of themselves. They would send their thoughts far away from themselves, from the proximate objects and events that annoy them to more pleasing scenes and subjects. Thus wine gives pleasure by taking from us pain. And in every pleasure we have the right to indulge unless it brings evil upon ourselves or others. Then the right is no longer ours. A good which is counterbalanced by an evil is not good but evil, as it tends to evil, and is but the pleasurable beginning of an evil which has a painful ending.

There is little difference between drunkenness and insanity, and you may as well look for fixed resolve and determinate principle in an idiot as in the habitual drunkard. Having passed certain stages, he is absolutely powerless to reform; and when jeers and insults are heaped upon one of these unfortunates, one hardly knows which to pity most, the sot or the inhuman rabble; when one sees the so-called respectable

of untried virtue, scoff at the fallen of any quality, one hardly knows which to pity most, the vanquished fighter of life's battle, or the pharisee, proud in in being so unlike these publicans.

How the big, blustering coward is sometimes deceived by the slender form, and modest demeanor, and thin, pale face which often cover firmness and true courage! Yet the closer observer sees in the eye, and mouth, and features, lineaments as plainly indicative of character as lines chiseled by the sculpter's graver.

Once there was a half-drunken Irishman at Foster's bar who attempted to force a small, sickly-looking youth to drink. Seizing the boy by the arm, he dragged him to the counter where a glass stood ready.

"Drink that or I'll murder you," said the Irishman.

"I will not," calmly replied the boy, not a trace of color appearing in his face.

"Then, damn you, you shall clear out!" exclaimed the infuriated Irishman, and taking the boy by the collar of his shirt he kicked him into the street. The youth caught the awning-post with his left arm and continued to swing round it, boy-like. His right hand he put behind him.

"You dare not follow me out," said he, in the same low, passionless voice which had characterized his whole conversation. Instantly the Irishman made a spring at him. The boy swung himself once or twice round the post to gather force; then as he came round he sprang upon his burly foe and drove a long, sharp, double-edged knife into his breast killing him instantly. The boy was tried and acquitted.

Rum has ruined its thousands, is still ruining them. War with all its horrors, pestilence, and famine are harmless as compared with the deadly work of the demon drink. A five years' war four times every century, each as disastrous to life as was that for the Union, would not kill as many men as excessive drinking now is killing every day. Dead they are,

though their vile breath has not yet left the body, and though their staggerings betoken corporeal animation.

"I have bought my ticket through," said a poor heart-broken wretch as he stood upon the wharf in conversation with a friend while waiting the departure of the steamer. He was a young man, not yet thirty, tall, well built, and intellectual, but his dress betokened poverty. Broken sentences came through quivering lips; despair was pictured in his face, and in his eyes stood moisture wrung by misfortune from the heart. "I have bought my ticket through," he said, "but I shall not go home. Seven years I have spent in California, and all that time I have drunk to excess. What is home to me now—home without hope? Doubtless I shall join Walker, in Nicaragua; I care not what becomes of me!" So have sunk from sight a hundred thousand and more of the immigration of the first decade.

CHAPTER XXIII.

GAMBLING.

Credo. I believe in dice;
Without a penny for the price,
Full often have they got me meat,
Good wine to drink and friends to treat;
And sometimes, too, when luck went worse,
They've stripped me clean of robe and purse.
—*Rutebeuf.*

There needeth not the hell that bigots frame
To punish those who err; earth in itself
Contains at once the evil and the cure;
And all-sufficing nature can chastise
Those who transgress her law—she only knows
How justly to proportion to the fault
The punishment it merits.
—*Shelley.*

Johnson. Depend upon it, sir, this is mere talk. Who is ruined by gaming? You will not find six instances in an age. There is a strange rout made about deep play, whereas you have many more people ruined by adventurous trade, and yet we do not hear such an outcry against it.

Thrale. There may be few absolutely ruined by deep play, but very many are much hurt in their circumstances by it.

Johnson. Yes, sir, and so are very many by other kinds of expense.

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Johnson. It is not roguery to play with a man who is ignorant of the game while you are master of it, and so win his money, for he thinks he can play better than you, as you think you can play better than he, and the superior skill carries it.

Erskine. He is a fool, but you are not a rogue.

Johnson. That's much about the truth, sir. It must be considered that a man who only does what every one of the society to which he belongs would do, is not a dishonest man.

Boswell. So, then, sir, you do not think ill of a man who wins, perhaps, forty thousand pounds in a winter?

Johnson. Sir, I do not call a gamester a dishonest man, but I call him an unsocial man, an unprofitable man. Gaming is a mode of transferring property without producing any intermediate good. Trade gives employment to numbers, and so produces intermediate good.
—*Boswell's Johnson.*

A PRIMARY principle of ethics is that every individual may freely act his pleasure as long as he does not interfere with the rights of others. He may claim for himself every gratification which does not

limit others in their gratifications. He may come and go, he may buy and sell, he may marry, preach, or develop a mine, and in all this legitimately better his condition, provided he does not make worse the condition of those, or any of them, with whom he comes in contact.

The true theory of business is that traffic which does not result in reciprocal advantages to buyer and seller is illegitimate, or at least abnormal. Let it be registered in men's minds that he who accumulates wealth to the loss of another is a bad man following a bad business. He is a swindler, and should be punished as one.

In this way men may build railroads; but they must not employ the power thus acquired in impositions upon the people, subsidizing competition to keep up iniquitous prices, buying legislators, and corrupting morals and society, building up or ruining this man or that town or industry, and exercising a hateful tyranny over a long-suffering and pusillanimous people. Men may buy and sell wheat, but they may not so 'corner' it as by their trickery to make consumers pay twice or thrice its value. Men may in good faith develop mines; but the manipulation of mining stocks as practised by brokers and bonanza chiefs is worse than ordinary gambling and stealing—being more on a par with three-card monte, and like cheating and confidence games.

We all know the evils of gambling; how it dissatisfies society in its daily occupations, absorbs thought, dissipates energy, and renders men unfit for that steady application and reasonable economy which alone make a community prosperous. It destroys the finer qualities both of mind and feeling; it makes men moody and nervous, makes them live a life of extremes, now exhilarated by success, now despondent through failure. What folly! Some play for money, but with the percentage against them they should know that in the end they are sure to lose. Some

play for pleasure; but if they ponder for a moment they must know that like drink it is but a pleasure that is sure to end in pain.

Epicurus denounced all pleasures productive of pain. No one has the moral right to obtain money or pleasure in any manner detrimental to public well-being. "This kind of action," says Herbert Spencer, "is therefore essentially anti-social, sears the sympathies, cultivates a hard egotism, and so produces a general deterioration of character and conduct." All moral occupations imply the rendering of an equivalent for money received.

Is not society here, as in other cases, such as polygamy, prostitution, monopoly, and mongolianism, inclined to carry the sentiment against the professional gambling game to an extreme? Why go so far out of our way to play the prude or hypocrite? Unquestionably there are honest gamblers and dishonest gamblers. There are professional gamblers who will wax cards or use an imperfect pack, or cheat in a variety of ways, just as a shop-keeper will sell you an inferior article, overcharge, or otherwise take undue advantage; there are gamblers and shop-keepers who will not do these things. It is safe to assert that as a rule there is proportionately no more cheating and overreaching in the clubrooms of our cities than in the stock boards of our cities, or in very many of the avenues of commerce. It is safe to assert that there is more iniquity committed, more political, commercial, and social demoralization perpetrated by the monopolists of the United States in one day than is achieved by all the gamblers, prostitutes, and polygamists in a twelve-month.

Since very early times gambling has been held infamous by most civilized nations. Aristotle declared a gamester to be no better than a thief. Stringent laws against games of hazard, except during the Saturnalia, were passed by the Roman senate; nevertheless the people played. Jews, Mahometans, and

Christians all set their faces against games of chance. The Talmud censures them. No Hindoo gambler was allowed to testify in courts. The duke of Clarence in 1469 prohibited gambling in his household except at the "xii dayes in Christmasse."

Silly Charles VI. of France played with painted cards; some say they were first made for his use in 1392, though of this there is no proof; since which time the mischief has often been played with them, though this was not the fault of the cards.

During the reign of Henry VII. card-playing was very generally in vogue; so much so that it was prohibited by law. Apprentices the edict especially regarded, forbidding them to play with cards except during the Christmas holidays, and in their master's houses.

Peculiar as was the character of some of the wagers in California, there were none here so indecent or irreverent as were exposed by the law courts of England fifty years ago—instance the case of Joanna Southcote, an unmarried woman, upon whose delivery of a male child, a new Messiah, within certain days was bet £200 to £100; a wager that Napoleon would be removed from St Helena within a certain time, a wager upon the sex of a feminine-looking man, upon a decree of a court, upon the death of one's father, and the like.

The merchant does not grow rich, as moralists sometimes aver, by the debauched lives of the young, nor the husbandman by the scarcity and consequent dearness of his grain, nor the architect by the decay of buildings. It is true that doctors live by the diseases of mankind, and priests by the principle of evil, and lawyers by disputes. Good springs from evil, and life from death. As Montague says, "Ce que considérant, il m'ést venu en fantasie, comme nature ne se desment point en cela de sa général polici, car les physiciens tiennent que la naissance, nourissement, et augmentation de chacque chose est l'altération et corruption d'une aultre."

Some teach us how to be learned, others how to be rich, and others, again, how to be lucky. Gamblers have their doctrine of chances and runs of luck. Thus, if a particular number or card wins twice or thrice in succession, the chances are in favor of its winning once or twice more.

Chance is a superstition; there is no such thing as accident, no deviation from the inexorable laws of nature, any more than there is a veritable war-god, weather-god, or Great Cloud Manipulator.

The laws of fortune are not unjust nor partial because they tend to unequal favors. We may not blaspheme fortune for sending the ball into the wrong pocket, when with our own hand we forced it there; or for giving us inferior cards, when with our own fingers we shuffled and dealt them. Like all the laws of nature and of man, the laws which govern chance are reasonable and just. There is no guardian angel or spiteful demon lurking near the cards or dice to turn them in our favor. We turn them with our fingers. The operation is purely a mechanical one. Put the dice into the cup always exactly in the same manner, and shake them always the same, and the same side is always sure to be uppermost. It is not true that the dice of the gods are always loaded. Men may load their dice to suit themselves, and blind chance be frustrated if they have the ability. That is to say, dice will fall as they are thrown and there is no chance about it.

Gambling is reprobate not chiefly because it tends to the ruin of him who indulges in it, his family and friends; not chiefly because of its evil associations and alienation from healthy pursuits, but because it produces profit and pleasure to one at the cost of loss and pain to another. It must be admitted that while many came to California to seek their fortunes, some came to seek for other people's fortunes.

We are apt to regard gambling, drunkenness, licentiousness, indulgence in the use of tobacco and the

like, as unnatural or artificial tastes and passions. But is this the fact? Gambling has been practised by all people in all ages. In the infancy of the race, and in rude societies, it assumes the form of games, physical and animal contests; in more advanced communities, stocks and securities become the favorite gamble, and indeed, the spirit of gambling underlies all commerce and industrial activities. And so with regard to the other vices named, there appears to be in man natural appetites craving indulgence. Intoxicating drink is common to all time and places and to avoid excess in this or other things is simply perfection. Why did all the world take so quickly and so naturally to the use of tobacco when it was discovered, if the craving for it did not spring from a natural appetite?

So with a hundred other great and small tyrannies and swindles, such as those so frequently perpetrated by gas and water companies, by boards and office-holders, by men in any and every position where they happen to hold some power over their fellows. So long as these gross iniquities are permitted; so long as the grinding monopolist and the unprincipled stock-jobber are permitted to ply their nefarious trade, why be so hard on the honest gambler who stoops to no such vile advantage? He, alone, who makes it a profession is disgraced. He, alone, is infamous. An honest man he may be, courteous, chivalrous, unselfish, yet the filthiest blackguard that 'bucks' against his bank may hold him in social contempt.

The prudish English put the finest point on this absurdity. It is all right to play whist and like games, all betting "just to make it interesting, you know," all of necessity pretending that they care nothing for the money; but change the game, and bet a little more freely, and the clergymen and women particularly are horrified. The game of poker is becoming reputable in America among free-and-easy and not over-refined people, provided the stakes are

not too high. But what are high stakes? In a company of spinsters, in the drawing-room of a second-class Connecticut boarding-house, five cents 'ante' might be deemed extravagant, while in the south, during the glorious days of slavery, a negro ante and twenty on the call was deemed moderate playing. All these distinctions are without a difference; and men and women miserably fail in thus trying to befool themselves into making certain phases of gambling respectable while holding other phases of it, equally honest and fair, as illegal and disreputable. On a par with the rest are the English ethics which makes it right to swindle your tailor, but very wrong not to pay a gambling debt. Debts of honor, these last are called.

Of course there are always a thousand excuses ready for whatever folly or iniquity society chooses to indulge in. Gambling in stocks encourages mining; gambling at the races promotes horse-breeding; gambling in churches helps to buy an organ or pay a debt. But have we no excuses for our honest banking games? Listen to Lecky, the foremost of English moralists: "Even the gambling table fosters among its more skillful votaries a kind of moral nerve, a capacity for bearing losses with calmness, and controlling the force of desires, which is scarcely exhibited in equal perfection in any other sphere." Likewise the immaculate Boswell, whose name, however, is scarcely worthy of mention in connection with the other: "There is a composure and gravity in draughts which insensibly tranquillizes the mind, and accordingly the Dutch are fond of it, as they are of smoking, of the sedative influence of which, though he himself never smoked, he had a high opinion. Besides, there is in draughts some exercise of the faculties."

Dishonest gamblers sometimes mark their cards with punctures so minute as to be imperceptible to the ordinary touch, and to detect them themselves they are obliged to apply acid to the fingers to increase

their sensitiveness. Such disreputable practices should be discountenanced by all good gamblers, the same as putting sand in sugar, discriminating in freights, and salting a mine.

The evils of stock gambling, ruining thousands upon thousand of families in the city and throughout the land, as compared with those of professional gambling, are infinitely against the former. Nowhere as in this mad desire to be suddenly and immensely rich were the souls of men so staked. It was worse than Mephistopheles betting with the Lord that the integrity of Faust should fail him, or Satan laying a like wager in regard to Job.

Notwithstanding that mining since the world began has been a hundred times proven the most ruinous of speculations, to this day wherever is a discovery of the precious metals, thither may be seen a rush from every quarter.

"A man who subjects things to chance rather than to the operation of definite and calculable laws, gambles," says Beecher.

Here in California the advice of Plautus, "Habeas ut nactus: nota mala res optima'st," "keep what you've got; the evil that we know is best," was sadly out of place. To be "stuck in stocks," made sweating sore by them, screwed tighter in them than the village villain's feet in that old-time punishing-machine, was at one time common to all.

In stock speculation there is wanting that same element of utility which we find lacking in faro and monte, and by which alone society is benefited in the interchange of values among its members. In ordinary transactions, he who makes money is not benefited as much as he suffers who loses it, and in gambling the difference is largely increased.

What is it that causes the price of stocks to change? What is it that causes any fluctuations in values when there has been no corresponding development in the mines or change in the money market?

Opinion; simply opinion. In all their politics, religion, and social ethics, men are essentially imitative in their beliefs. Now money being as sensitive as any species of morality is very quick to embrace popular belief without stopping to consider whether it be sound or not. Indeed, that it is the popular belief is sufficient; for this alone will send securities up or pull them down. And the worst feature about all this is that the people do not buy and sell stocks on the intrinsic value of the mine; they care nothing about such value, do not take it into consideration scarcely, but gamble to-day on what will be the price of shares to-morrow.

The rise and fall in stocks may sometimes indicate the demand and supply, which again are governed by the disposition of men to purchase more than intrinsic value or change of condition justify. If many persons at the same time seek to buy large quantities of a stock it is sure to advance; if they all at one time wish to sell it is sure to go down. And yet the mine may be twice as valuable when it depreciates as when it appreciates.

Hard times, commercial collapses, monetary crises are oftener the result of apprehension than of a real cause. When every one says times are good and acts accordingly, investing, improving, circulating his money, that alone will make business and prosperity. But as a rule it is safe to say of stock-boards, buildings, and the mass of wealth heaped up by bonanza men and stock-jobbers, that they all are but the crystallizations of crime. To their dearest friends who inquired of them as to their fortune, they were false oracles, ready to sacrifice heaven, if they ever had any chance there, in order to fill their pockets. They would cheat, mother, brother, and I have even known of a man giving his wife money with which to gamble in stocks, simply for the pleasure of beating her out of it. Meanwhile, into all sorts of

extravagance their victims plunged, as if their money was immortal.

In the early days of California gambling was but a more direct expression of the spirit of speedy accumulation manifest in common and in so-called legitimate speculation. Mining, merchandising, real estate operations in those days of uncertainty were all species of gambling. The coming hither in the first instance was but a staking of time, energy, and health against the hidden treasures of the Sierra.

The origin of this vice must be sought in the unsounded depths of turbid human nature; its practice dates back to the remotest past. Thousands of years before the coming of Europeans to these shores gaming was the chief delight of the inhabitants. The gentle savage would stake on some aboriginal game of chance or skill his shell-money, his peltries, his hunting and household implements, his wives, with an outward indifference as to the results that in 1849 would have made him the envy of the subtlest and skilfullest faro dealer of the day. Losing all else he would throw himself, his liberty into the pot, and losing this he would march off, the naked slave of the winner, with a stoicism most pleasing to behold. The European with all his superior mechanism of mind, his culture and philosophy, has never been able to outdo the childlike and passionate wild man in those qualities of skill and self-command essential to success in this fascinating calling.

From what Horace tells us it appears that the vice was not prohibited by the Romans on account of its demoralizing tendency, but because it diverted the youths from manly sports and made them effeminate. And so in later times, and among other peoples, it was not so much the rioting and drunkenness and murders it led to, as the blow it aimed at the moral ideal of the nation, that made it offensive. In early times the ethical ideal was patriotism; and as gaming

interfered with military art it was put down. In California the central idea embodying the right in social ethics is what comes under the name of legitimate money-making. Here the great good is not patriotism, art, or literature, but the accumulation of wealth; not, however, by such processes as shall injure or make your neighbor poorer, but by originating, creating, or producing, making additions to the general fund, but which you may hold as your own. Here, gambling interfered with that labor which was to eviscerate the Sierra drainage, and develop the resources of the lowlands, as in Rome it interfered with the making of good soldiers; and so, later, California passed laws that drove it under cover, but its spirit still stalks abroad, and enters into almost every avocation. One sees it in the speculations of laboring men, in the ventures of merchants outside of their regular business, in the gift enterprise shops, in the church-fair raffle and grab-bag. As I have before stated, buying shares in the stock market in the hope of a rise not based on development is as pure gambling as putting money on a monte card, and its evil effects are seen by the hundreds of working men practically ruined thereby. Of the two evils, the open and public gaming-table and stock-gambling, I hold the latter to be more deleterious to society, for it is but the old wicked principle galvanized, and made respectable by law. A lottery, legalized by the legislature for the benefit of the Mercantile library of San Francisco, caused for a short time an almost entire suspension of business for a hundred miles around

During the pastoral days of California, men were free, and might gamble if they chose. It came rather hard on them, therefore, when the straight-laced Yankee alcalde of Monterey placed a veto on the pastime. Says the reverend jurist on the subject, writing the 18th of October, 1846: "I issued, a few days since, an ordinance against gambling—a vice

which shows itself here more on the sabbath than any other day of the week. The effect of it has been to drive the gamblers from the town into the bushes. I have been informed this evening, that in a ravine, at a short distance, some thirty individuals have been engaged through the day in this desperate play. They selected a spot deeply embowered in shade, and escaped the eye of my constables."

On the 12th of May following, the order was thus enforced: "A nest of gamblers arrived in town yesterday, and last evening opened a monte game at the hotel honored with the name of the Astor House. I took a file of soldiers, and under cover of night reached the hotel unsuspected, where I stationed them at the two doors which afforded the only egress from the building. In a moment I was on the stairs which led to the apartment where the gamesters were congregated. I heard a whistle and then footsteps flying into every part of the edifice. On entering the great chamber, not a being was visible save one Sonoranian reclining against a large table, and composedly smoking his cigarito. I passed the compliments of the evening with him, and desired the honor of an introduction to his companions. At the moment a feigned snore broke on my ear from a bed in the corner of the apartment—'Ha! Dutre, is that you? Come, tumble up, and aid me in stirring out the rest.' He pointed under the bed, where I discovered, just within the drop of the vallance a multitude of feet and legs radiating as from a common center. 'Hallo there, friends—turn out," and out came some half-dozen or more, covered with dust and feathers, and odorous as the nameless furniture left behind. ' Their plight and discovery threw them into a laugh at each other. From this apartment, accompanied by my secretary, I proceeded to others, where I found the slopers stowed away in every imaginable position—some in the beds, some under them, several in closets, two in a hogshead, and one up a chimney.

Mr R. from Missouri—known here under the soubriquet of the 'prairie-wolf'—I found between two bedticks, with his coat and boots on, and half smothered with the feathers. He was the ringleader, and raises a monte table wherever he goes as regularly as a whale comes to the surface to blow. All shouted as he tumbled out from his ticks. Among the rest I found the alcalde of San Francisco, a gentleman of education and refinement, who never plays himself, but who, on this occasion, had come to witness the excitement. I gathered them all, some fifty in number, into the large saloon, and told them the only speech I had to make was in the shape of a fine of twenty dollars each. The more astute began to demur on the plea of not guilty, as no cards and no money had been discovered; and as for the beds, a man had as good a right to sleep under one as in it. I told them that it was a matter of taste, misfortune often made strange bedfellows, and the only way to get out of the scrape was to pay up. Dr S. was the first to plank down. 'Come, my good fellows,' said the doctor, 'pay up, and no grumbling, this money goes to build a schoolhouse, where I hope our children will be taught better principles than they gather from the example of their fathers.' The 'prairie-wolf,' planked down next, and in ten minutes the whole Chillanos, Sonoranians, Oregonians, Californians, Englices, Americanos, delivered in their fines. These, with the hundred dollar fine of the keeper of the hotel, filled quite a bag. With this I bade them goodnight, and took my departure."

The town council of San Francisco, on the 11th day of January, 1848, passed stringent resolutions against gambling which had then been on the increase for four years past. So startling were the proportions it had assumed, and so enraptured were the people by the fascinating vice that it seriously interfered with business; but a great reform was considered out of place in a small town, and therefore at the next

meeting of the council the law was repealed, leaving everything lovely in this respect for the great Inferno now so near at hand.

Some were of the opinion that gambling should not be interfered with by law any more than interest on money or the sale of intoxicating liquors. To extinguish this vice, said they, was impossible; the passion appears to be deep-seated in man's nature, alike in high and low, civilized and savage. The principle is one with that of speculation, and tinges even commercial ventures. As is often claimed for religion, there never has been known a nation without its gambling games of some sort. So, continued these reasoners, it is better to license the vice, give the state the revenue, and not make it a crime, than to drive it into dark corners and guarded club-rooms, for it is not that which is done in public that does the most harm. Men will not voluntarily exhibit their worst side to the world. He who ruins himself and family at the gaming-table does it generally in private. Then, too, the opportunities for practising the arts and devices of the trade are much greater than at a table in a public room, surrounded by scores of eyes as keen and as watchful as those of the dealer.

Gambling in San Francisco was tolerated for the revenue that was derived from it, long after public opinion was against it.

In due time the saloons, those impious, blazing landmarks, had to give way before a revised public sentiment. The old El Dorado, corner of Dupont and Washington streets, was one of the last to succumb. In full blast from 1850 till 1856, there were nightly collected the largest crowds of the worst of all classes, all who had a few dollars to gamble—that is, until public gaming was prohibited—or an hour's time to while away, gazing at the people coming and going, at the nude pictures on the walls, and the movements of the barkeepers, and listening to the chink of coin, and the really fine music of the band. About the time

this, one of the last relics of gambling saloons, fell forever out of sight, a new iron fence enclosed the plaza, fresh grass covered its hitherto unsightly face, and the citizens of San Francisco looked hopefully forward to the good time which had been so long in coming.

The gambler is almost always well dressed. No class in California are so scrupulously neat in all their belongings. Nor is he always an idler, knave, or fool. He knows that his profession is not ranked among the most honorable, but he does not intend always to follow it. He would make a fortune and then retire. He is not without generous impulses, but they spring, like the sympathy of a spoiled child or the passion of a *femme perdu*, from apparently trifling causes rather than from principle.

The *Alta* of the 27th of May, 1850, announces the completion of the Empire gambling saloon and the main floor of the Parker House as one would speak of the opening of the Suez canal or the bridging of Niagara. "The room is about 140 feet in length," says the editor, "by 50 in width, with a lofty ceiling, and is decorated in the most magnificent manner. It is painted in fresco by Messrs Fairchild and Duchean, and is certainly a most creditable evidence of their artistic skill and taste. We do not know of any public room in any portion of the United States of so great an extent, or possessing such elegant decorations and embellishments. Our New Orleans and New York friends would scarcely believe that they could be so far excelled in California. The Parker House, the lower floor, was also opened. The room is of about the same size, and handsomely fitted up, although not with quite so much elegance as the Empire. As yet but one story is completed, but it is contemplated to carry out the entire building on the same extensive and elegant plan. The rapidity with which these places of public resort have been completed speaks much for the enterprise of the proprietors."

A writer in the Marysville *Herald* thus discourses on banking games. "A banking game," he says, "is any kind of game played with cards, dice, or other device, in which one or more persons risk their money in opposition to the multitude. The banker may be denominated, in the parlance of the day, the inside bettor, and the populace the outside bettors. A man, for instance, who deals monte, places before him on the table a thousand dollars, more or less, in money. He shuffles and deals the cards, lays two of them out before the multitude, and asks them to stake their money on a guess of which card will win. In this case the dealer of the cards would be the banker, or the inside bettor, whilst those who wagered their money on a guess would be the outside bettors. So in any other game of chance, where there is an inside bettor and an outside bettor, the inside bettor is always looked upon as the banker. He pays out to all who win from him, and takes in all that the outsiders lose. The games that come immediately under the head of banking games, and of which there is no dispute, are faro, Mexican monte, French monte, rouge et noir, twenty-one, and most other games played with cards; also roulette, the tiger, elephant, and other wheel games of similar character, sweat cloths, and all other games played with dice, and many other kinds of games not necessary to enumerate.

"Lansquenet and rondo differ from other banking games in this particular: The banker in the games of monte or faro deals himself, and permits all who wish it to bet against him; whilst in lansquenet and rondo the bank is generally made by an outsider, and consists of a certain specified sum, which may be tapped by one or more persons, as circumstances will admit of. It is not necessary that the banker in lansquenet or rondo should deal himself; any person may do it for him, but the man who throws up his dollar to be tapped is as much a banker as he would be if sitting behind a table with a bank of a thousand dollars deal-

ing monte. Lansquenet is dealt with cards, generally out of a faro box, or sardine box, as it is called. Rondo is played upon a billiard table with eight small balls, each ball about the size of a quail's egg, or somewhat larger, and depends upon the skill of the banker, or his substitute, in rolling an even number of balls into a pocket. If an odd number enters the pocket, it is called culo, and the banker loses; if an even number of balls be pocketed, it is called rondo, and the banker wins. On each winning the stake is doubled. As, for instance, if the banker commences with a half dollar and makes a rondo, he has a dollar in bank; on a second winning he would have two dollars in bank, and so on, doubling the stake at each winning, unless he sees proper to draw out a portion of his capital, which he can do whenever he pleases. After each second winning the table or gamekeeper draws out one half of the original amount invested, as a percentage. This is the game of rondo.

"Justice Jenks of Sacramento, in an elaborate opinion, defines a banking game as signifying one in which the manager or conductor not only receives the stakes, but also on his own part makes a bank against them; that is, when the conductor stakes his own funds against the stakes of all others who participate in the game.

"Webster defines a bank to be a collection or stock of money deposited by a number of persons for a particular use, that is, an aggregate of particulars, or a fund that is a joint fund; the place where a collection of money is deposited, etc. Justice Jenks, in commenting upon this definition of a bank, says: 'It is not necessary that the conductor or manager of the game should own part of the money. It is sufficient that a fund is raised, and by any device whatever, that fund, or any part of it, changes hands by chance or by skill in playing. The learned justice further remarks, that in playing rondo two funds are raised, one against the other, and these funds are as much

banks as though owned by the person who keeps the table.' The justice, in concluding his opinion, says, 'the coincidence existing between the game of lansquenet, expressly classed by the statute in the list of banking games, and the game in question, rondo, compels me to decide by the rule of construction which the statute gives—rondo is a banking game.'

"Now we agree perfectly with Justice Jenks. If lansquenet is a banking game, so is rondo. They are precisely similar, although one is played with cards and the other with balls. The banks in both are made by outsiders. The table-keepers in both games have no interest except in the percentage, and in playing either game, it is not necessary that the person who makes the banks should participate in either drawing the cards from the box or rolling the balls into a pocket. It was clearly the manifest intention of our lawmakers to put an end to all kinds of gambling in our state; and although the word rondo does not appear among the proscribed games in the law of last winter, we are clearly of the opinion that it is proscribed by that law."

From the time of the gold discovery, which made all around of the roseate hue, there was an openness in all kinds of wickedness, a dash and abandon quite refreshing. Perhaps they play as heavily at the London gaming houses, and at the German springs, but the charm and freshness of unhackneyed nature is not there. In London, or even at the German springs, one would not often see a Sydney convict, a clergyman not three months from his preaching, a Harvard graduate, a Pennsylvania farmer, and a New York newsboy all betting at the same table at the same time,

In California gambling there is little attempt at that quasi-respectability, or, more plainly speaking, humbug, with which the lovers of a money hazard would fain gloss over their whist, chess, or horse-

racing. It is the money men gamble for here, and they have no hesitation in saying so; hence, in a promiscuous assembly, each is attracted to such game as he fancies himself an adept in. The billiard-player gambles at pool, the card-sharper at poker, euchre, or old sledge, the lover of horses at racing, while the unskilled or indifferent lay down their gold at roulette, faro, or monte, notwithstanding in banking games the table has twenty or thirty per cent the advantage. The open-handed well-to-do Californian who flings his dollars around for the mere pleasure of seeing others scramble for them would call staking a few hundreds fun rather than gambling; but the individual earnest and constant at the tables, whatever the game or the amount staked, you may be sure is after 'blood,' as he himself would tell you.

There is the legitimate gambler, one who keeps a table and pays his dues to society in shape of license, rent, and bar bills, like an honest citizen. Then there is the professional gambler, who, like the itinerant preacher, may have an occupation without fixed abode. He may deal, or 'cap,' or bet on the outside; he may grace this or that house or town as circumstances offer. He is not the legitimate, legalized, solid man of the fraternity, but he is none the less a professional gambler. Next comes the gentleman gambler, who cultivates the hazard of dice or cards as a recreation, openly and unblushingly. He may deal occasionally as an amateur, not as a legitimate or professional; but usually he exhausts the time in midnight poker or faro. Tinctured with politics, and he is welcomed at political clubs; if pleasing in manner and free with his money, women of a certain quality cultivate him. If a business man, it is necessary for him to be guarded and sly in his gambling operations; and if a church-goer or salaried clerk, the vice proclaimed is absolute ruin.

In the professional gambler there is or should be much that is repugnant to the right-minded and hon-

est workingman. Although the latter, in every blow he strikes, not knowing the outcome of it whether it shall prosper or not, makes a direct appeal to the goddess Fortune; but having honestly struck the blow, he feels he has a right in thus making the appeal. But the shaved and white-shirted faro-dealer is not Fortuna, but rather a money-demon, a soul-subduer, an emissary of Satan, a commercial traveller in the interests of hell. May he then be honest? Why yes, if he does not cheat. Is not Satan honest? And are not his agents to be trusted as fully as those of his enemies, nine-tenths of whom, by their own showing, each measuring another, are not what they seem.

There is no excuse for crime or wrong doing; but I have yet to find the man, or class of men or women without much that is good as well as much that is evil in them. The murderer and the harlot did not become such because they were utterly depraved, but because they were overtaken by some evil more the fault of their environment than of their original nature. The honest and the chaste may thank for their untempted virtue conditions void of the allurements which otherwise might have made them the thing they so contemptuously scorn. Thousands who walk the street with head erect, honored and respected, would long since have met the felon's fate, had their courage been equal to their desires.

During the flush times games were employed to suit all tastes. There were the purely games of chance, as faro, monte, dice; games partly of chance and partly of skill, as whist, euchre, poker, backgammon; games of skill, as chess, checkers, billiards. Games which require much thought or skill are never resorted to for popular heavy gambling. They are too slow and there is too much labor connected with them. Something more quick and soul-stirring is what is wanted. Next to the pleasure of winning is the pleasure of losing: stagnation is unendurable.

The term gambler, in California, refers only to the

professional, not being used in the abstract sense of one who gambles. The grocer deals out sugar and the gambler cards; he who buys a pound of sugar does not thereby become a grocer; neither is he who bets upon the cards, in California, called a gambler, that term being applied to a class sui generis. Whereever found, in the city or in the mines, one can almost always pick them out in a crowd. They are the best dressed men one meets; their pale, careworn, imperturbable faces wear an absent but by no means greedy air, and as they stand listlessly on the corner, or slowly and carelessly walk the street, by no means indifferent to a pretty female ankle, their calmly observant eyes, which are somewhat sunken in their sockets, seem to possess the faculty of looking through people while not looking at them, which habit was contracted at the gaming table.

The character of the typical gambler of the flush times is one of the queerest mixtures in human nature. His temperament is mercurial but non-volatilized; like quicksilver in cinnabar, its subtle vivacity is crystalized or massed in sulphur. Supreme self-command is his cardinal quality; yet, except when immersed in the intricacies of a game, his actions appear to be governed only by impulse and fancy. On the other hand his swiftest vengeance and cruellest butchery seem rather the result of policy than passion. His crimes are his profession's rather than his own. Confident with women, he is audacious with men. Prompt in action, expert, he is as ready to attack a dozen as one. He is never known to steal except at cards; and if caught cheating he either fights or blandly smiles his sin away, suffers the stakes to be raked down without a murmur, treats good-humoredly, and resumes the game unruffled. United with the coolest cunning is the coolest courage. He is as ready with his pistol as with his toothpick, but he never uses it unless he is right; then, he will kill a man as mercilessly as he would brush a fly

from his immaculate linen. Yet in his lonely disposition he is not quarrelsome, and never murders except professionally. He is a man to be feared, and in early times he was highly respected. He is all nerve, electrical in his organization, and depends wholly upon his own resources for justice and protection. He knows not fear; life to him is but a shuffle and a deal, in which the chances have already been calculated, and death at most is but the losing of the game—all matters of indifferent moment. In his disposition he is magnanimous; in his bearing noble; in his actions chivalrous. He will not do a mean thing; he discharges his pecuniary obligations with scrupulous exactitude, thus putting to shame the so-called English gentleman, and never disputes a bill. Desperate in an emergency, he is the foremost to brave peril; the most unselfish in suffering, and endures misfortune with heroic fortitude. He will fight for a friend as quickly as for himself, and share his last ounce with an unfortunate comrade. He will take every dollar from his victim should chance so order it, but he will as often give him back a portion should he stand in need of it. He has even been known to hand back money won from a simple-minded youth, with the advice not to indulge in play until he understands it better. Should a secret committee of some mining camp, seized with a spasm of moral reform, order him to leave the town, he receives the sentence with calm equinimity; should death be his portion he meets it with barbaric stoicism.

His pockets are always open, but his philanthropy knows no formula; he will contribute to establish a church or a brothel, to support a Sunday-school or a swindle. He has his code of honor; but such things as orthodox conscience or conventional morality—he knows not and cares not what they are. In matters of justice he will act the unpopular part of advocate for a penniless horse thief, or falsely swear an alibi to save a friend. Over and over are told of them tales

of the highest heroism; how one and another stood by some contemptible, ill-deserving, chance companion, knowing all the time that death was the penalty of chivalric devotion. Chance is his god, of whom he is a most faithful minister. Luck is his religion, and in it he is a firm believer and devotee. There is but one thing certain about it however, and that is, sooner or later it will change. To know when this point is reached is the sum of all knowledge. In the practise of his profession, so long as his luck holds out good he never tires, and takes no rest. He accustoms himself to do without sleep, and if necessary can go for several days and nights without rest. He is a temperate man, being far too shrewd to benumb his faculties when he requires of them the keenest perception. Every now and then, while dealing his game, he orders drinks and cigars for his patrons, but sips sparingly from his own glass, as one puts on coal merely to prevent the fire from going out. He deals his game with the most perfect sang froid, and when undergoing the heaviest losses there is no trembling of fingers or change of expression in the colorless face, no twitching of muscles nor compression of lips; eye and manner maintain their cold indifference, and if compelled at last to announce his bankruptcy he does it with a smile such as never once before throughout the game lighted his impassive features. His views as to the common conduct of life are philosophic; in manner he is undemonstrative, and in speech reticent. In the practise of his profession he is bold in his operations, and fearless of consequences. His listless lounging and grave self-complacency contrast strongly with the fiery ebullitions of his surroundings. The restless emotion of the merchant and miner he regards with tranquil indifference. He interferes little in the affairs of others, is not specially skilled in matters of business, but he weighs and measures the character of those who play with him with the utmost nicety.

He knows perfectly well whether one who draws a pistol or a knife means to use it; and on the instant takes measures acccordingly. His brightly polished weapons are always at his elbow ready for immediate use, but he never touches them unless he deems it necessary, and then only to use them. He is studiously neat in his habits, and tends to foppishness in his costume. In the city his coat is of the latest cut, diamonds adorn his shirt, his high silk hat is black and glossy, and with a fancy-headed cane in a gloved hand he taps his closely-fitting well-polished boots. In the mines he sometimes affects the miner's dress, but his woollen shirt is gaily embroidered, and his slouched hat clean and graceful. A chain of gold specimens linked together is attached to a massive hunting watch, and massive rings of virgin gold and quartz encircle his soft white fingers. His sleek and well oiled hair is neatly brushed, his face closely shaven, leaving perhaps a mustache, but never whiskers long enough for exasperated losers to seize hold of. A fine cloth cloak is sometimes thrown loosely over the shoulder, and round the waist a bright scarlet silk sash supports his murderous weapons. When in funds he travels on a fat, sleek mule, with yellow buckskin guantlets, broad-brimmed hat, and large silver spurs; if overtaken by adversity he walks.

The professional gambler seeks the best mines and the largest crowds. When gold begins to fail he migrates with the miners, following the diggers as the sea gull follows the pelican. Should the occupants of one camp become impecunious or disgusted and decline further play, he quietly packs up his tools, mounts his mule, and is off for another. Thus he may have to go for many days before he gets a game. In mountain towns his quarters may be a log cabin, with open broad fireplace, larger than the other cabins, but always occupying a central position. In tenting times his encampment was conspicuous for its

ample accommodations, the whiteness of its canvas, and its gay trimmings.

It was in the larger cities, however, such as San Francisco, Sacramento, and Marysville, that this passion with the most unbriddled license was displayed. In 1850 on two sides of the plaza were brick buildings devoted almost exclusively to gambling. There were the El Dorado, the Bella Union, the Rendezvous, the Empire, the Parker House, and the Verandah. Here large halls were fitted up, some of them by companies formed in France, with oriental splendor. In one the ceiling, rich in fresco and gilt, was supported by glass pillars, pendant from which were great glass chandeliers. Around the walls were fine large paintings of nude female figures, and mirrors extending from floor to ceiling. Entering at night from the unlighted dismal street into an immense room lighted with dazzling brilliance, and loud with the mingled sound of musical instruments, the clink of coin and glasses, and the hum of human voices, was like passing from the dark depths to celestial brightness.

There were long rows of leather-covered mahogany tables on which were temptingly spread out heaps of glittering gold and silver coin, nuggets, slugs, bars, and bags of dust, and where the votaries of chance might choose from every game known to the civilized gambling world.

With difficulty one elbowed one's way through the promiscuous crowd that here nightly congregated. There were men in black clothes, immaculate linen, and shining silk hats, merchants, lawyers, and doctors; miners in woollen shirts, greasy Sandwich Islanders, Chilians, and Mexicans; Irish laborers, Negroes, and Chinamen, some crowded round the tables intently watching the games, others lounging about, smoking, chewing, spitting, drinking, swearing, now and then dropping a dollar, or a five, or ten, or twenty,

or fifty-dollar piece, with real or well-feigned indifference as to the result. Now and then the games were momentarily interrupted by the crack of a pistol, and the loungers became a little demoralized as the ball whistled past their ears and lodged in the wall. If a man was killed or wounded he was taken out, but the nature of the affray was left to be learned from the morning papers, and in a few moments all was as before. Some of the saloons were open day and night, and paid enormous rents; six thousand dollars a month was paid for the El Dorado. There were also many private clubs or suits of rooms, where the players were more select and play ran higher. Nothing but gold coin was used in these places, and the stakes ran into the hundreds and thousands. A bet of any sum less than five dollars was regarded as contemptible. These rooms were often graced or disgraced by the presence of beautiful women, and sumptuous suppers were served, with the best of wines, all free to the patronizing visitors.

Like those of the pretty-waiter saloons and dance cellars of later times, the band may be an orchestra of regular musicians, a company of negro minstrels, a quartette of Mexican guitars, a piano, or if the room and counters be celestial, a Chinese scrape, squeak, and slam-bang.

Gambling from 1849 to 1852 was followed in San Francisco as a regular business, and there was no disgrace attached to the profession. Among the dealers of gambling games at that time were some of the most influential and talented citizens. But they were a transient race; they have gone forever. As a more refined civilization crept in and overwhelmed the low, the loose, and the vicious, gambling sank into disrepute. Law drove it behind locked doors and into windowless rooms. Then the gay gamblers of the olden time left the profession to a different class, and sought out new fields of distinction, perhaps in politics, law, or speculation.

The position of monte-dealer is a most trying one. Surrounded by the clamor of the crowd; his eyes, while apparently intent on his cards, closely scrutinizing the faces and fingers of the bettors before him; his mind meanwhile occupied by the progress of the game, which involves intricate and continuous calculation; then, should he wish to indulge in feats of skill or cheating, he must perform them at the peril of his life, under scores of eyes riveted with vigilant scrutiny upon his fingers, and be ready at any moment to resent, if deemed best, with knife or pistol, the merest suspicion of dishonesty, should any one of the players imprudently intimate it. Faro was considered the more dignified and respectable of all the games, and was played mostly by Englishmen and Americans, while monte was a favorite with the French and Spanish. Besides these were roulette, rouge-et-noir, rondo, vingt-un, chuck-a-luck, with dice, and many other games.

The usual stake was from a dollar to five dollars, though it was not uncommon in the flush times to see hundreds or even thousands ventured on the turning of a card. A bet of $20,000 was once made at a faro game and won by the customer. The dealer counted out the money with as much nonchalance as if it had been twenty dollars he had lost instead of twenty thousand. There is something fascinating in standing by and watching the game, as the painted cards turn up their leering faces and read the players the melodrame of their folly. It seems like sporting with destiny, and telling out the tale of life by worshipful spots and figures.

It is a fine thing to get a peck or a bushel of gold just by betting for it, and the tremulous rapture of mingled hope and fear is almost compensation enough even if one loses. And after all "bucking" at a faro bank was no more uncertain and much less troublesome than staking time and sinews against the Sierra's secret pockets and auriferous banks. There are men,

among whom may be classed Sonorians and Chilians, who mine only that they may gamble, whom neither hunger nor thirst nor any other known incentive could stir up to labor. No matter how purely the game is one of chance, the player arrogates to himself some certain skill. Luck, like the stellar system, has its law which patient study is sure to develop. Then every one has his own individual luck, which like a personal deity, should be conciliated; so that, very naturally and very properly, the player, if he won, could thank himself for it, whereas, if he lost, his luck was at fault.

The gambler, when play grew slack, would stroll away, sometimes leaving his table unguarded in the midst of a heterogeneous crew of cut-throats, temptingly loaded with the stuff all men covet, apparently regarding it as safe as if locked in the vaults of the bank of England. Few possessed the temerity to rob a gambler, and least of all in a place where summary justice would be quickly meted out by the bystanders.

In certain localities, various games were paraded in the street, or from low shops opening on the sidewalk. One would deal three-card monte on the head of a barrel; another would tempt the gaping crowd with thimblerig played with a golden pea upon his leg; well-dressed young men and boys, as well as villainous-looking cut-throats would follow soft-looking strangers about the streets offering to bet $100 or $200 on some trick which offered to the outsider an apparently sure thing. On Long Wharf, where at that time were most of the arrivals and departures to and from San Francisco, this base traffic was plied most persistently. At almost every hour of the day or night the cries of the French monte-dealer might be heard: "The ace of spades! the ace! the ace! A hundred dollars to any one who will tell the ace of spades!" But these were the bohemians of the fraternity, of very different metal from the regular artist.

Gathered round the table are men of all nations,

playing or watching with morbid curiosity the ventures of others. There you may always find the Mexican, the most constant and the most intrepid of players, with his broad sombrero drawn well over his eyes, and in his bright-colored serape, symbol of pride and poverty, are placed his well-worn weapons. You may be sure if he is not playing he has no money.

Monte is the favorite game of the Mexican, as he considers the chances nearer equal and the opportunities for foul play smaller. Between the experienced Mexican gambler and the innocent, audacious Yankee there is a marked contrast. The former gambles with the coolness of a fatalist; what must be, will be, it cannot be changed. The latter, with tongue and feature, displays anger or joy at every venture; he will succumb before no destiny; are not Americans makers of destiny?

Innumerable are the stories told of worshippers at the shrine of the fickle goddess, beside the many untold tales.

A young man from the mines conceived it his mission to break a gambler's bank in Sacramento. Fifteen hundred dollars, his all, were speedily lost, when, turning to the gambler, he exclaimed, "You have all my money; give me an ounce to get back to the mines with." Without a word the gambler pitched him a doubloon, and the young man returned to his digging.

Another arrived in town with $19,000, on his way home. Depositing $16,000 with a friend, with the remainder he entered a brilliant saloon, seated himself at a monte table, and began betting Soon the $3,000 were added to the bank. The infatuated man then took the remainder of his money, and notwithstanding the remonstrances of his friend, staked and lost it all.

A husband and father having secured sufficient to make his family comfortable, determined to go home to stay. The night before he was to have started,

being overcome of liquor taken amidst numerous farewells, he staked and lost all his money at the monte table. Overwhelmed by the thought of what he had done, in his drunken frenzy he seized his lost gold and broke away with it, when the dealer drew a pistol and shot him dead. He had written home that he should arrive by the next steamer!

A miner entered a Sacramento gambling house with $5,000, and sat down to play. In less than an hour he won $100,000. Continuing with the determination to break the bank, his winnings were reduced to $50,000, when thinking better of the undertaking, he pocketed the money and withdrew.

A graduate of Harvard law school came to California in 1850. He was betrothed to a charming girl, whom he loved devotedly, being willing to endure the pangs of separation and the hardships of unaccustomed toil to secure enough to support her. He worked faithfully on Feather river for ten months, during which time he lived temperately, and neither drank nor gambled to any extent. Having secured some $12,000, he concluded to return home, so packing up his effects he went down to the bay, put up at a hotel in San Francisco, and there waited the departure of the steamer. In strolling through the gambling houses of the town, listening to the "Home, Sweet Home," or other music of the band that stirred his heart and carried him back to other scenes, as everybody did in those days he now and then dropped a coin on the table, more for pastime than any desire of gain. One night he allowed himself to be carried away by the fascinations of the game, until almost before he was aware of what he was about, more than half his money was gone. Then in a moment of passion the infatuated man took the remainder, and raising his hand and bringing it down upon a card with a heavy blow, cried out, "Home or the mines!" Slowly the dealer drew the cards that told the rash man's destiny, and breathlessly he waited who thus invoked

his fate. Another instant, his muscles relaxed, and he sank back into his seat with the hoarse whisper, "The mines, by God!"

One day a monte-dealer appeared upon a bar which was yielding good returns and making rich its diggers. It was a virgin field; no one of his profession had ever before outspread his enchantments in that locality. The camp was stagnating for an excitement; its occupants were ready to seize upon any pretext for relaxation from their long and profitable labor. They had no more disposition to bet than they had to fight Indians or hang a horse-thief, but they were eager for any excuse which should enable them to rest their limbs, distract their minds, and increase their potations. The "sport" took up his quarters at the best saloon, and drawing forth several bags of heavy dust, round and fat, and gold doubloons and silver Spanish dollars, temptingly heaped them upon his table. After inviting all hands to drink, he seated himself behind his bank, placed his weapons conveniently, then carefully unrolling a chamois-skin package, he produced several packs of thin tough well-kept monte-cards, which he deposited, not without an eye to effect, beside the gold. Taking up one pack after another, he carefully examines each, observes closely the backs and edges, counts them over several times to see that none are missing, for if short or over a single card his opponent might claim the whole of any stake whether he won it or not. Selecting a pack which best suits his fancy, he dexterously shuffles them long and thoroughly, passes them to be cut, then holding them scientifically half crushed in his soft white hand, with the faces downward, he draws from underneath the bottom two cards, and throws them face uppermost on the table, crying, "All ready! Come down; make your game, gentlemen; seven of spades in the door; the game is made; all down. No more!" Meanwhile the miners who had taken their seats at the ends and opposite sides of the table from the dealer put down

their bets, some on one card and some on the other. Then turning up the cards, the dealer begins to draw from the top, and the game goes on.

At first the gambler lost heavily; yet quietly, with unimpassioned face he continued, and the miners were elated. The saloon-keeper drove a thriving trade, and all warmed up to the business. Others came, in twos and threes, until not a man was left at the diggings. Work being thus suspended, the camp yielded to the seductive influence of play. At length luck left the miners. The gambler won. Gradually the pile on the table enlarged until after three days of roaring jollification the miners were bankrupt. The gambler and saloon-keeper had all the money. Instead of returning, with their returning senses, to their work, two thirds of the luckless and chagrined individuals left the camp within a week.

There was a beautiful little French woman who kept a roulette table at the north end of Montgomery street. There were many such in San Francisco. The room was elegantly furnished like a boudoir. The syren sat behind the table, elegantly arrayed in black silk, her face fronting the open door, whirling her wheel most bewitchingly Before her lay a pile of silver dollars and gold ounces. A tall bony New Englander, brought up on mush, catechism, and Poor Richard's almanac, passing by stopped to survey the scene. He caught the infection. Throwing looks of languishing love into her melting eyes, gazing upon her luscious lips and voluptuous form, he entered and seated himself before her. First he lay down gold pieces, then silver, all the time almost invariably losing. Then he brought out a watch, then another watch, and another. He had had a lucky game of poker the night before which accounted for the watches. The charmer swept them all to her side of the table. Finally he drew a ring from his finger.

"Combien?" asked the woman.

"Three ounces," answered the New Englander despairingly.

"Oh! no, no, no," laughed the gamestress, "une montre, pas plus."

The ring brought back one of the watches, but the next whirl swept them both away and the man retired to meditate and begin the world anew.

It was a common practise for miners to lay an unopened bag of dust upon a card, call the amount of his venture, and if he won receive the same from the dealer without opening his bag at all. At Stockton in 1850, a 'sucker,' as one of his nativity was called, entered a gambling saloon and cast his eye over the several monte tables. It was an eye which with its surroundings resembled a dead coal dropped into a can of lard. In long bristles the hair hung from a flat rakish head resting on shoulders fit for a Rhodian Colossus, and surmounting a puncheon-shaped body stuck upon keg-like legs. Stepping up to a table which seemed to strike his fancy he leaned over and peered into the face of the dealer.

"D' ye 'low a man to bet his pile on one kyerd?" he innocently asked.

"Yes, you may bet your pile," answered the dealer.

After a long search within the folds of his shirt he drew forth a bag containing his treasures and slapping it onthe 'caballo' exclaimed: "I go two ounces on that hoss." The first time he lost; the next he won. Half an hour of fluctuations saw the Illinoisan loser to about the extent, as the dealer thought, of what the contents of the bag would cover. Hence the game was arrested and the process of settlement begun. While the dealer was adjusting the scales, the little thick man stood immovable as a pillar, a roseate hue meanwhile mounting his flabby face; but when the bag was open and bits of lead instead of gold greeted with dull unwelcome stare the gamblers's gaze, the tub-like man began to revolve, and gathering momentum as he approached the door, disappeared amidst

the uproar of laughter, flying tumolers, and broken curses which followed.

One night, a Mexican with his face half concealed in an old serape, entered the El Dorado, and edging his way through the crowd stepped before a monte table. After following the game for a short time, he drew forth an old linen bag of coin, supposed of course to be silver dollars, and placing it upon a card leaned over the table, and—apparently forsaken by his usual stoicism—watched the dealer's fingers with breathless anxiety. The Mexican won; the dealer with quiet indifference pulled the bag over to him, untied the string, and emptied out the contents. His face turned white as a sheet, even his customary coolness deserted him; for out of the bag had rolled, not silver dollars as every one supposed, but golden doubloons, more than enough to break the bank. The gambler, however, borrowed sufficient from his neighbors and paid the Mexican who withdrew as quietly as he had entered.

One day a Mexican rode up to a gambling saloon at the Mission Dolores. Dismounting, he tied his horse, entered, and began betting. Soon his money, pistols, and all his belongings were gone. Finally his horse was staked and lost; but this was more than he could endure, and he determined to save it. As he rose from the table he managed to upset it, and while all were engaged in picking up the scattered money, he slipped out, mounted, and galloped away.

There was in San Francisco, about 1855, a speculator whose business consisted in organizing lotteries on a scale hitherto unknown. He went to Europe for the purpose of collecting an interminable assortment of objects of all kinds suited to the American taste, and during several months had a great exposition in one of the principal towns of the Union, used all kinds of wise stratagems to announce it, and ended by realizing a profit of $50,000 or $60,000. The collection which he exhibited at San Francisco was a

gallery of pictures, which were much admired by amateurs. They were miserable copies of Reubens, Titian, etc., but the lucky ones who drew them in the lottery had perfect faith in their originality, which was guaranteed in the catalogue.

While threshing near Marysville, a man with inveterate gambling proclivities had both of his legs torn off by the machine. As soon as he had sufficiently recovered, he started on a tour through the mountains for the purpose of raising by subscription money enough to buy him two cork legs; but no sooner did he get together $100 or so than he gambled it away at the first gaming-table he could find. Then he would start out again, trailing the ground on crutches and leg-stumps, begging more money only to bet and lose it again, until his untoward ways became generally known, when he was arrested and incarcerated in an asylum.

The following tribute to the game of poker was early paid by an able writer. "We do not know in what happy clime the great game of poker was first introduced; the name of the man out of whose fathomless intellect it soared into the world of created things and began to fascinate the hearts of the people is shrouded in oblivion; but we do know that California is the land where the game has been most favorably received and industriously cultivated as a science. In the early days the passion for taking chances, which the stirring incidents of mining life naturally engen dered, and the want of more refined and ennobling means of amusement caused it to be taken at once into favor by the Californians; and in later years it has lost nothing of its singular popularity—rising with the march of civilization, from the cabin to the palace, and exchanging the plebean bean, as a marker, for the gay and ornamental ivory chip. Every Californian, almost, understands the nature of the game, and can play with more or less art, according to the measure

of his intellect, and the opportunities he has had for becoming proficient." The future historian, whose name will naturally be written on the highest peak of the sun-crowned Sierras of fame, on whom shall fall the godlike task of tracing the rise and progress of draw poker in this state, will find the pathway that leads him back in his researches to the barbaric splendor of 1849, strewn with rich incidents and racy anecdotes of notable "hands" that have been held, heroic "calls" that have been made, and gigantic "blinds" that have been promptly seen."

In September 1858 a little game of "draw" was played on the classic banks of Georgiana slough, in Sacramento county, which is worthy of notice, for the reason that it proves the plastic character of the game, and the illimitable resources that it affords the skillful and experienced gambler. One evening a young man, named Stone, who had been devoting his attention to the cultivation of sweet potatoes on the slough, and had just disposed of his crop, was seduced into a triangular game of poker with two professional players, Budd Davis and Garland Adams, who, of course, had entered into a conspiracy to pluck the young and inexperienced potato-merchant. Retiring to a little cabin in the suburbs of Georgiana, the trio sat down at a rude pine table, one corner of which was garnished by a descendant of the house of Bourbon, of the capacity of a quart, more or less, and by the dim and flickering light of a tallow candle, began to court the favor of fortune. Stone was rather a flinty subject to handle for the reason that he would not drink, and was so excessively cautious that he would not bet unless he held an almost invincible hand. For a time the gamblers were undecided, and played along in meditative silence, winning but little more than the mere ante-money from Stone, who paid no attention to the presence of the royal visitor, and could not be coaxed with ordinary full hands and fours to loosen his grip on the potato-money. Budd Davis finally

took a long pull at the bottle and was equal to the emergency. He dealt the cards. There was some betting before the draw, and soon things began to get lively. Before the draw, Stone held a pair of kings; he drew to his kings, and colored to the very roots of his hair as he picked up the cards he had drawn, and found two additional kings and an ace—making his hand absolutely invincible. His agitation was plainly visible, his hand trembling pitifully as he saw Adams' bet of $20, and raised him $180 back. Good heavens! can it be possible that Budd Davis is going to play against that invincible hand? Yes, he slowly counts out the twenties until he has seen the $200 and goes $260 better. Adams steps out for the appearance of the thing, and an ominous silence reigns round the board. Stone has $420 in his pocket, but a suspicion that something is wrong begins to dawn upon his mind and the flush fades from his face. He sees no way of escape, however, and stands the raise. The hands are shown down and Budd defeats his four kings and an ace with four aces! Of course, in gambling parlance, he had lifted a cold hand on the young man, that is, one already prepared from another deck of cards and secreted somewhere about his person. He was arrested at the instance of Stone, and tried before a justice of the peace, but was discharged without punishment. After that, we presume, Stone devoted his attention to raising potatoes instead of raising bets and going it blind.

I do not know of any other time or place where could be found a servant of the living God going to an emissary of Satan for aid to build a temple to the former, for the express purpose of utterly confounding and placing under foot the latter. It was not a very praiseworthy act for the preacher to go to the gambler on such a mission, and of the two the man of sin shows to the better advantage. The omnipotent

creator of the universe begging of the devil a few dollars to help build a church!

It was in Sacramento in the winter of '49–50, and the man was a well-known baptist clergyman. Passing a gambling shop and hearing the chink of the much desired metal, he entered, approached a table, and made known his want to a man with an open pleasing face, who was busy bucking at the tiger.

'Church, oh yes! People want churches as well as gambling houses. How much do you want?"

"Whatever you choose to give," blandly replied the preacher.

"Well, you see the twenty on that card. If it wins it's forty, and it's yours."

It won and the preacher took the forty dollars from the courts of Belial to give it to his God.

"Hold on," exclaimed the gambler. "I have a ten on that other card. You may have that." It won; and the preacher desired to be off. "Stop a minute," cried the man of sin. "Put your sixty dollars on that card, and you'll have a hundred and twenty sure, and if you'll stand by me we'll win enough to build the whole damned concern."

"Who do you belong to?" asked a passenger of a colored boy on the Sacramento boat bound down in 1850.

"Don't know, sir," was the reply.

"Why don't you know?"

"Well, when I come aboard, I b'long to mass Sam White, but he went me on two little par, and de clerk ob dis boat he win me. Den Kernel Smiff he beat de clerk on a bluff, and he had me last; so I can't tell who I b'longs to till the game closes."

Many a man has fancied in vain that he has or can devise a system by which he can surely win in the long run. "One of the marvels of San Francisco," says an English adventurer, "is its instant transformation

at a certain hour each evening from a place of business into a city of hells. The closing of the offices and stores is the signal for the opening of a host of gambling saloons. They are all on the ground floor, well lit, opening on the streets, and so numerous as to excite wonder at night as to where the stores can be, and by day where the saloons are. These are the usual evening resort of all classes. And there are few who do not occasionally attempt to win some of the piles of gold and silver that glitter on the tables. I found myself strongly attracted by the thought that it might be possible to cut my labor short by a few fortunate ventures; but I had not done much in one direction or the other when I found myself playing at a table where one of my fellow-passengers was dealing. As I had barely observed the man on board, I was rather surprised by his whispering to me in an interval of the game:

"'Keep your money in your pocket, meet me outside at noon to-morrow, and I can do you a good turn.'

"'You come to California to make money I presume?" was the greeting when we met next day.

"'Certainly,' I replied.

"'Then take my advice,' said he, 'and don't play.'

"'Why,' I asked laughingly, 'is it so difficult to win?'

"'Difficult!' said he, 'it's impossible.'

"'But when the chances are so nearly even, surely the interval between the minimum and maximum stake is great enough to allow almost a certainty of winning,' I said.

"'Not a bit of it,' was the answer. 'No matter how you arrange your stakes, in the long run it is just the same as if they were all of one size; you'll win as many as you lose, and have the percentage of the bank against you.'

"'Then all those symptoms and calculations which I see people following are a delusion?'

"'Entirely so. They are merely playing against a certain event, which is bound in the long run to happen just once in the time it takes for them to win as much as they lose when the event happens; so that they can make nothing by it.'

"'But surely some events are far rarer than others, and may be considered impossible,' I observed.

"'Nothing is impossible to the cards, because the events don't depend on each other,' was the answer; and he continued, 'This dollar has only two sides; suppose I toss it up and you guess wrong, does that make you any more likely to guess right next time? Certainly not. I've seen men guess wrong more than twenty times together. Besides, if you play only against a very rare event, your winnings will be proportionably small; and consequently, in order to double your capital, you must play so long as to give the event a good chance of happening. Suppose you play against losing ten times running; you can tell exactly how often you will do so by reckoning how much your stake becomes if left on to win ten times running. One piece doubled up ten times becomes a 1024; therefore just once in that number of coups you must lose or win ten times running; and you must play that number of coups to win as much as you lose when it comes. The game can't be played without risking to lose as much as you can win, and the best way of doing that is to put down the whole sum at once. You have just as good a chance of doubling it as by any way of dividing it into small stakes, and you don't expose it to being dribbled away in percentage to the bank. But if you are wise you won't touch the thing at all. I noticed you in the *Killooney*, and though we never spoke that I recollect, I took a liking to you, and I don't mind telling you that you are too good for the business. If you have won keep what you have got, and if you have lost put up with it. No gambler is ever the richer for

winning, and many a good man becomes a scoundrel through it.'

"Two or three further conversations with my professional friend, and a careful analysis of the chances in figures, convinced me that he is right as to the impossibility of winning by systematic play. Any system may win for a time, but all must lose eventually. In a game of pure chance, luck is everything; and in the long run that must equalize itself. In the meantime the bank is gaining a certain steady profit, and the maximum stake is placed so low as to prevent any extraordinary event from inflicting a serious loss upon it. I have discovered that I am no gambler, since I do not care to play unless I think I have a certainty of winning. I can quite understand any one being interested in constructing various systems to play by until the discovery comes that none are infallible. I have made several, and examined many more, each of which at first seemed as if they must win forever; but, fortunately, instead of testing them by actual experience, I showed them to my professional friend, who soon demonstrated their weak points. He says that when I thoroughly understand the chances, I shall leave off figuring. He says the very fact of a chance being even makes it impossible to beat it, otherwise it wouldn't be even. It is a great pity. It would be such an easy way of making a fortune if one could sit down for a few hours a day, and, without risk or labor, make a certain sum. I don't see why there should be such a prejudice against gambling in itself. Every undertaking in life is a venture more or less doubtful. All these merchants here are liable to fail. Every profession, marriage itself, is a lottery, in which the future happiness of a life depends on an experiment that cannot be undone.

"This Californian expedition of mine is nothing less. Perhaps the necessity of labor and judgment are redeeming points in all but mere chance speculations. Probably the real evil of gambling consists in its

looking only to the end or reward, and affording no employment for the higher faculties in the pursuit.

"It is impossible to fancy any artist attaining a high degree of inspiration who thinks solely of the money he is to get for his work. I see how it is with me. In this, as in all my other engrossments, I have been seeking for the absolute. It seems to me a species of atheism to say that there is no infallible system, even for playing monte. The remark that 'in the long run nothing is impossible, because the events do not depend on each other,' seems capable of being applied to a very different line of thought. If in the long run of events all things can happen, there can be no demonstration of a special providence, neither can a man who believes in the absence of a controlling will or character have any reason for objecting to any system of religion on the score of its improbability. However great may be the chances against an event, those chances are only against its occurring at any given moment. If the opportunity be repeated exactly as often as there are chances against the event, it is an even chance that it occurs once in that number of times. If oftener, the chances are actually in favor of its happening. It is an even chance every time whether red or black wins; yet I am told that one has been known to win thirty times together. The odds against such a series are over a thousand millions to one; but in that number of attempts it becomes an even chance that it occurs. And, inasmuch as the past and future are entirely independent of each other, the most improbable event may show itself directly the game begins, and may be repeated many times in rapid succession. Moreover, an event is brought no nearer to happening after the game has gone on for an indefinite time without its coming. It does not become more likely after, or less likely before, many hands have been dealt. Under the government of chance, therefore, the most violently improbable event not only may, but must, sooner or later occur."

So argued this Englishman.

On Rich bar of Feather river, a wild rocky region, were gathered in 1852 a community consisting for the most part of experienced miners, old Californians they might almost call themselves, having been in the country during those days of rapid development, many of them for the full period of three years. The houses were mostly of cloth in the spring, but before winter log cabins were scattered along the stream, with great gashes cut by the miners in the bank hill-sides at short intervals all the way down to Indian bar.

Among the rest was a young man of fine physique, tall and strong, well built, broad shouldered, muscular and sinewy, with an open, frank, intelligent face, which commanded at once friendship and respect. Duke John was the nickname the miners gave him, so noble was he in mind, and heart, and bearing, and this was all the name he was ever known by there.

He was steady in all his habits; he did not drink, or smoke or gamble; he took care of himself, ate and slept regularly, and rested on Sundays. His mind, which evidently had been cultivated, seemed dwelling on some object or purpose which buoyed up the whole man, for in his daily work, to which he had now become quite accustomed, he was as happy as he was prosperous.

He had some money when he came to the bar; and as he confined himself to coyoting in the banks rather than fluming the river bed, he added to his wealth, until there was of it some $20,000, with which before the snows set in he intended to leave the mountains and return home.

There were gamblers here of course. By this time every prosperous mining camp had its professional gamblers, as surely as its butcher, doctor, or rum-seller. The very fact of the presence of the fraternity, in fat, sleek proportions, was the best proof

of the prosperity of the miners. There was one gambler in particular, Hudson his name was, a modest and refined fellow, thoroughly honest and sober—even though his hair was of the dissembling color, red—who attended to his business as faithfully and methodically as did the merchant, the miner, or the baker, dealing usually till twelve o'clock at night on Indian bar, and then walking up to his boarding-house on Rich bar to sleep. Hudson every day passed by Duke's claim; and though each had a good word for the other, and there existed the best of feeling between them, Duke never thought any more of patronizing Hudson's game than of hiring the doctor to amputate a perfectly sound leg. He did not want the gambler's money; he was very sure he did not want the gambler to get his money; he had other thoughts and occupations for both his mind and money than gambling. It had been so with him ever since he was in the country, now three years; he lived a perfect life, amidst many wild and abnormal doings, and all without knowing it.

One Saturday night, after a hard week's work, during which he had been much alone, feeling that he would like to meet and talk with the boys, he went down to Indian bar, and entered the large canvas house which stood in the middle of the town and served as drinking, gambling, and general congregation shop. With its strong subdued light radiating far into the darkness, while yet upon the high divide, separating the two bars, the wayfarer looked down upon it as on a great glow-worm; or if fancy struck another strain, then as the canopied entrance to the Anacheron pit.

It was early yet, and gambling had not fairly set in. To drinking saloons and gaming tables Duke John was as indifferent as to the pack-saddles and molasses kegs of the merchandise store when he had no need for either. He would not drink at a bar any more than at a brook when he was not thirsty. His

blood was warm enough, and ran its happy course through healthful veins; why should he want to quicken it with poisonous draughts? He knew something of cards, of course; he had seen the manipulation of them with checks and coin and gold-dust so often and continuously of late that he knew the various games as well as any one. Indeed, he did not refuse to play upon occasion, or if he felt like it; he was no prude or fanatic, nor was he at all afraid of himself; he was his own master, but he was no gambler—that everybody knew—and he really never felt any desire to play.

There was a poker game in the room, which had just started. Two of the persons sitting at it Duke knew; the other two seemed to be late arrivals—one of them was clearly not a miner, or working-man, but from his dress and manner would be called a sport. The other stranger was of that nondescript cast which would not surprise a bystander to see it assume any shape at any moment. Duke seated himself on a bench by the players with his back against the wall, and listlessly watched the game while discussing the news of the day.

Presently his friend was unexpectedly called away, and as he rose to go he said: "Here, Duke, play my hand; I'll be back directly," Duke assented, and for half an hour or so did little more than chip in and keep his place in the game.

His friend not returning, Duke gradually paid a little more attention to the game, and became really quite aroused when he found himself with a very good hand at a moment when the two strangers entered upon some high betting.

"Fifty, is it?" said the sharper, for so we must denominate the sporting man. "I will see it, and go a hundred better." It was now Duke's turn, who went in and raised the stake a hundred. The other stranger passed himself out. "Five hundred better," exclaimed the sharper. "Take it," said Duke, who, sitting be-

hind three jacks, was satisfied that he had the better hand, but did not like to risk so largely his friend's money, though by this time he hardly knew whether he was playing on his own account or for the other. "Cheap enough," sneered the sharper, as he spread out on the board his hand, which could boast nothing higher than two fours.

Duke detested bluffing. His nature was too single and straightforward to enjoy indulging in such trickery himself, and he did not like any better to have it played upon him. The sharper was quick enough to discover this; he discovered also that Duke was not greatly interested in the game, being apparently unconcerned whether he won or lost, and certainly having no intention of high play. And a sardonic satisfaction warmed the scoundrel's heart as he saw that at last he had been able to put his finger upon this immaculate young man's weakness, upon the soft spot in the character of one whom long before he had become satisfied was of a superior order.

For an hour or more the game went on, and Duke's friend did not return. Meanwhile the betting became heavier, several pots rising up into the thousands, and Duke was largely loser. Of course, now he was playing for himself; he would not for a moment expect his friend to suffer for his folly. But he himself could not afford to lose so much money, representing as it did weeks and months of toil and self-denial He would play for even, and then quit, he said to himself; and here should end his first and last attempt at real gambling. For he felt in his sinking heart, in his boiling blood, in his face flushed half in shame and half in anger—in anger at his own folly and at the leering, sneering sharper that this man was playing him like an angler a fish which could not escape the toils.

On went the game, the unfortunate Duke becoming more and more involved. He had not with him so much to lose, but he had already through the keeper

of the saloon made his credit good at the game, for all knew well that he would never be led to venture what he could not pay.

"Five thousand more!" Hissed forth by the sharper came these words, while his snake-like eyes were riveted on his victim. There was already fifteen thousand at stake on the board. Duke held a very good hand, three kings and two sevens; but the game had drifted into such wild and reckless bluffing, that the best hand was by no means always allowed to take the money. Even now the sharper might have nothing higher than a ten spot, or he might have four aces; there was no way to tell. Duke's hand was good, very good, considering everything. The chances were at least ten to one the sharper could not beat it. That pot would make him whole, and he would then be free from the infernal toils in which he so unexpectedly found himself. On the other hand it was ruin, absolute and eternal ruin, he felt and knew it to be, if he lost. But his hand; at least ten to one in his favor.

Pale was the face, the heart irregular and jerking, and hollow and sepulchral the voice as the words came forth "I call!"

The sharper could measure accurately enough the Duke's hand; he knew as well as if he had seen it that it was not so very strong, for had it been the young man would have manifested more confidence. Nor was it by any means a poor hand, else he would not have called him. He was sure enough of his victim, as with a Satanic smile he slowly laid down on the table one, two, three, four queens.

Without speaking a word Duke laid his cards upon the pack, rose from his seat, and beckoning the saloon man to follow, walked out into the darkness, walked on through the darkness until he came to his cabin, when, scraping the dirt from under one corner, brought forth four bags, each containing $5,000 in gold dust. "This will make it good," he said, as he

handed it to the saloon man, who thereupon marched back through the darkness.

The ruined young man likewise stepped forth into the night. The cabin was too close for him; he could not breathe within those so lately happy walls. "It is like a dream; a horrid, horrid dream. So sudden, so accidental! Yet it is no dream, would to God it were! Fool, fool, fool! No, not fool; fate! A pistol ball crashing through my brain as I entered that room would have been no less looked for, could have held me scarcely less responsible. Why fate, or providence, or almighty God could be so cruel as to tear from me my hard earnings, my consecrated gold, and give it to that thief, I cannot understand. Punishment? I deserve no punishment. Punishment for what? I am an honest man, aye an honest man, and thou God knoweth it; that thing is a thief, and thou God knoweth it. This is omnipotent justice; hell is full of such justice. My gold, aye, my consecrated gold, consecrated to her. Ah, Christ! to her, my love! my love!"

Long he sat upon a stone, his head buried between his hands; then slowly arose, walked into the cabin, took from his breast a well-worn picture, and holding it close under the dim light of the candle, drank from its lineaments the last draught of a thirsty soul. "Farewell, sweet angel; thine have I ever been; thine now no longer!" Tearing up the pasteboard he scattered the fragments about his cabin floor, blew out the light, stepped forth, fastening the door after him, and took the trail up the river to the high divide, then zig-zag up the mountain. The moon was now abroad, throwing its pale, impotent light as far as it could into the black cañon, at the bottom of which shone a thread of silver foam.

"Suicide? Bah! I am no sick simpleton. I am a man. I am not afraid to live. I can suffer. Powers of heaven or hell, I defy you! As you have done to me, so would not I to you. Take from

the honest man and give to the thief! Take gold consecrated to the highest and purest affections, and cast it before swine! Omnipotent justice? Bah! again, I say. There is none such; no omnipotence and no justice."

Up, up, through the pale moonlight, zigzag to the mountain-top, then over the eternal snows, and down toward the great river flowing oceanward, life, love, justice, heaven—words, mere words, windy words, words, words!

CHAPTER XXIV.

DUELLING.

Falstaff. Honour pricks me on. Yea, but how if honour pricks me off when I come on? How then? Can honour set to a leg? No. Or an arm? No. Or take away the grief of a wound? No. Honour hath no skill in surgery, then? No. What is honour? A word. What is in that word, honour? What is that honour? Air. A trim reckoning! Who hath it? He that died o'Wednesday. Doth he feel it? No. Doth he hear it? No. 'Tis insensible, then. Yea, to the dead. But will it not live with the living? No. Why? Detraction will not suffer it; therefore I'll none of it; honour is a mere 'scutcheon and so ends my catechism.

THE time is past when to an average intellect the necessity exists of denouncing duelling, and we have now only to regard with astonishment the bondage of our ancestors to this folly. In the evolution of progress, fashion, that is to say actively expressed opinion or belief, is constantly undergoing change; indeed, change of belief, and corresponding action, is progress. And as some of the beliefs of past ages are to us absurdities so gross that we can only wonder how some minds could for a moment have entertained them, so will certain of our creeds and conduct appear to generations following.

Take for example woman; along the highways of history how variable her condition! Alternately slave and saint, now she is the drudge and chattel of man and now his companion and idol. To us the strangest of all strange passions that ever blotted the human heart, seems that from which sprung the cruel treatment of women which formed a prominent feature in ancient and half-civilized warfare. What to us could possibly seem more unnatural than the picture of an enraged soldier in whom blind fury had so swal-

lowed all other passions that he should delight to drag by the hair about the streets of a conquered city its fair daughters in torn robes and with bleeding limbs?

Then there is the institution of slavery, which within these few centuries had half the world for its supporters, that most anomalous of social anomalies, which under the laws of man enable man to hold man as merchandise, to own him, order him, bind him, beat him, kill him—no one to-day openly upholds human slavery as in the abstract right but would blush for his opinion did he but know the depth of his own ignorance and error.

The origin of the duello may be sought in that savage sentiment of justice which made every individual the indicator of his rights and the avenger of his wrongs. Before the coalescence of wandering tribes, and in the absence of a central power embodying the delegated right of individuals, that which is now the *ultima ratio regum*, was then the right of every member of the patriarchal association.

Thence the sentiment assumed the form of superstition. The earlier methods of determining guilt were no less imperfect than those at present in force. Sufferers saw that governors and judges appointed to arbitrate between accuser and accused were not infallible; consequently appeal to a higher power direct, in the form of combat, became a custom. When the intellect was so far emancipated as to perceive that the almighty did not interpose the finger of justice in these trials of brute force, the practice had already so fastened itself upon society as a fashion, that for centuries neither right nor reason was able wholly to eradicate it.

It was during the age of chivalry when tilts and tournaments encouraged a display of personal prowess, and fostered the worship of courage and punctilio, that the duel assumed its most magnificent proportions. In legal proceedings it sometimes took the place of an oath. Public opinion kept the practice in

vogue long after its folly was seen and admitted, even by those who felt obliged to recognize the code. Duelling was attacked by reason, sarcasm, and eloquence, long with little apparent avail. The best cure was to withhold all sympathy both from the murderer and the murdered. The death of Hamilton at the hand of Burr excited national sympathy; yet why, with his more than ordinary insight into the absurdities of the practice, and his more than ordinary abhorrence of it, he should be entitled to extraordinary pity in the display of his weakness I cannot understand.

Why is it that when of all animals, civilized man alone finds a code of laws necessary to his social existence, that in his fighting attributes the nearer he approaches to bull-dog pluck and game-cock endurance, the nearer he imitates the prizefighter and the savage in his killing qualities, the more manly a man is he? In fighting, points of emulation and honor are taken from beasts, but in the necessities of government and law even beasts and savages may well hold us in contempt.

When King John of England, for the health of his soul, as he affirms, though in truth for the safety of his head, reluctantly granted his mailed barons the magna charta, the keystone of English liberty, as Hallam calls it, was laid. When Martin Luther raised his protest against the iniquities and errors of the church by nailing his theses to the door of the Schlosskirke at Würtenberg, the bull of excommunication that followed enfranchised half christendom. When Thomas Jefferson's declaration of independence was passed by the congress assembled at Philadelphia, the latest and fairest type of liberty appeared, stainless, save one foul blot, and that by the emancipation proclamation of Abraham Lincoln was washed away. We who inherit the fruits of these several displays of progressional phenomena, and which embody all the benefits of civil and religious liberty; we whose government is the mildest under which civilized man has

yet lived, being imposed unconditionally by ourselves; we whose beliefs are unshackled, and whose intellects are wanton as the air—were it an attribute of humanity to be absolutely free, surely we might boast our freedom.

But absolute freedom is not an attribute of humanity, or if it be, the germ of such freedom does not appear. Since the days of feudal serfdom, of trial by combat, of inquisition and impositions, some progress has been made, but progress only of certain kinds and in certain directions. Palpable bondage we object to, and thanks to our forefathers are fairly enough rid of, but bondage impalpable, as far exceeding the other as the infinite exceeds the finite, yet remains. Fetters which we cannot feel we wear as gracefully as ever.

And no fetters imposed by the tyranny of fashion on stupid, ignorant man have been more galling to the wearers, have been worn with less comfort, bringing upon those under bondage to it that very contempt to avoid which they subjected themselves to it, rendering them by means of their unhappy adornment all the more ridiculous in the eyes of all sensible men—none more absurd and wicked than the duello.

Nor may we yet boast our freedom from it. Though by every rightminded member of society a duellist—and no less those who aid and abet him—is regarded a murderer, the slave of a savage superstition civilized by senseless fashion, and is denounced as a thing vile and contaminating, yet the wars which myriads of men indulge in as the ultimate appeal in the settlement of their differences is but another phase of the same superstition.

What can there be more hateful and unholy, what can there be less in accord with their profession, and the spirit of the divine Christ which they aim to inculcate, than for ministers of the gospel, ranged on either side of a bloody arbitration, to mount their pulpits and solemnly invoke the god of battles to give them victory for the justness of their cause and the

glory of his name? "Very wonderful!" as Dr Johnson would say. "Would that it were impossible."

This is exactly what individual combatants did a few centuries ago, and which we now so righteously condemn. The only vital difference between war and the duello is that one is a national and the other an individual affair; and we are not yet sufficiently advanced in reason to realize that what is wrong in a unit of the nation is wrong in the nation. True, when the units of society delegate their rights to a general government acting for the common good, it is their duty to leave them there, and not to interfere with the functions of government by breaking its laws in the effort to right their own wrongs. Society alone possesses the right to chastise. But should the government become impotent or corrupt, and fail to deal justly with the individuals composing it, then the individuals may withdraw the rights delegated, and act for themselves if they have the power. Either duelling is right or war is wrong.

In Christian countries the actions of men are measured by two tests, the approbation of the creator, and the happiness of the creature, though as the subject is more closely inspected, one test appears to be equivalent to the other. How much needless dispute there has been about reason and revelation, their contradictions and absurdities. Between the two there is no discord, else reason is unreason and revelation a lie. The law of nature and of morality and the law of God are one; not that God and nature are thereby made one, but nature's law and nature's morals are God's law and morals.

Some call this appeal to battle God's plan, and so, indeed, it is; else in place of this now apparently only way, he would appoint some other. Probably religious wars have exceeded all others in extent and intensity among civilized nations. Now, why should God wish a hundred thousand of his creatures in God's name to slay another hundred thousand who assemble

to the slaughter for the love of God? Is truth found and opinion reconciled thereby? Is man in his ultimate endeavor only physical? The killing alters no facts in the case. Must reason, then, go for naught? Can no way but brute force be found to settle ultimate differences? Then give the brutish in our nature the glory, and talk no more of the majesty of mind.

All admit that war is an evil—a necessary evil, some say, though necessary evil implies good, for the presence of the evil is better for us than the absence of it; hence, war is not an evil but a benefit. In other words, there is no such thing as necessary evil. War is an evil; who is to blame for it? Not you or I, for we would put an end to it if we could; not the nation, which is but an aggregation of you's and I's; not the rulers of mankind, who can do nothing of lasting moment without the acquiescence of the ruled. We simply know that it is; not why nor whence.

Virtue they call it, on both sides the same; they are noble men and true, they who fight for the ideal, whatever it may be, religion, country, freedom. Virtue then wars on virtue; this is the truth of it, for virtue is never wholly on one side, and he is virtuous who fights for what he believes right, whether he be right or not. Virtue then slays virtue, as vice kills vice. War and religion; strange companionship. One kills to cure, and the other cures to kill. Kill and call it honor; serve God and butcher his people!

Why should hate be glorified and deadly strife; that thing we so despise in brutes, prize-fighters, bull-fighters, duellists, and all that ilk, why in nations should we so exalt it? Both to the memory of the slain in battle, and to those who kill them, poets raise their most exalted strains, and God's ministers bless them from sacred desks. Hirelings or haters it is all the same, if they fight brutally well let them be exalted. Let truth and humanity be taught, instead of fanaticism and brute force, and war, like any other

savagism, will become a disgrace, and the soldier will carry on his brow the curse of Cain.

Single combats for the deciding of special differences come down to us from ancient dates. Many are found in the Illiad of Homer, and the Hebrew scriptures, the Mahometan, Greek, and Roman records contain the accounts of some. But it was during the Dark Age that trial by combat assumed its deepest color of superstition. Attended with religious ceremonies the wager of battle was then a direct appeal to the decision of the almighty, and success was proof of right. The ordeal was recognized, and in criminal cases which seemed to be soluble in no other way, sanctioned by law.

Upon the establishment of the dogma of Francis I. that "the lie was never to be put up with without satisfaction, but by a baseborn fellow," lies were classified and thirty-two distinct methods of satisfaction pronounced. From France duelling then spread rapidly all over Europe. During the reign of Louis XIII. duelists would join the left hands and stab each other with the right; they would enter a dark or lighted room and there remain until only one could leave. Females have fought their duels in France. Finally edicts were issued for its suppression, but the custom had become so rooted to the sentiment of honor that pardons were almost as frequent as the offence.

To obviate the necessity of personal encounter, tribunals of honor for the reconciliation of disputes in the army were established in Prussia; if the court failed in its purpose the duel took place, and after the offence imprisonment. The students of the German universities indulged freely in this pastime, wearing armor and fighting with swords; but the boys seldom hurt each other. In England duels became more common as society became more refined and orderly; disputes were settled by the individuals themselves rather than by more general engagements.

England's greatest statesmen were not so great as to ignore the custom. The Irish were famous for their duelistic proclivities. The Scotch were more wary. Two Plymouth serving-men inaugurated the system in America in 1621, and subsequently Boston has often indulged in this method of arbitration. The leaders of the revolution, and of subsequent political parties were not above this superstition.

In the hostile encounters of the California miners there was that same directness which characterized all their proceedings. Simple-minded and single-hearted they did not understand why, if they wished to kill a man, they should at the same time set themselves up to be killed by him. That might be the code; but it was a very foolish code. In any event it was murder; but it made a vast difference which did the killing. They could not understand how a debt should be cancelled by increasing it, how a wrong should be avenged by covering it with a greater wrong, or how the honor of the outraged husband or father should be healed by permitting the infamous tempter of female chastity to shoot him. To call it cowardly to take at disadvantage an antagonist was of no avail, for they would tell you that duellists, whipped to position by public opinion, are of all men the greatest cowards. Therefore, with blazing brain and blood red hot they did not wait for the tardy "lie direct; the "reply churlish" being enough for them.

By those who deal in human blood, who make the butchering of their fellows a profession which they follow for gain or glory, as well as those who adopt it as a fashion, the terms courage and cowardice are grossly misapplied. In civilized warfare courage is a sort of military idolatry, fostered for the greater efficiency of the organization. It is composed of the very qualities which it affects to despise, emulation, imitation, and fear. The soldier dare not brave an order with an opinion, dare not appear to be afraid,

dare not listen to conscience, to humanity, to right or reason. Soul and sense alike are sunk in a slough of brute persistence. Discipline demands it, we are told; and the more fully this dehumanizing process has been carried out, the more effective the army. The brutalization of the man is the first step; then infuse a fiendish spirit, and place all under the restrictions of necessary forms, and you have an organization fit for scientific slaughter. And the more to blind our eyes to the hideous creation, we make it the nation's moral ideal. Courage becomes synonomous with virtue; whatever interferes with the growth and exercise of courage is deemed vicious. With the ancient Romans the culture of the fine arts was regarded a vice.

The sentiment as found in the duel is much more frivolous. The bravery of the duellist is bravado; his heroism is based on pusillanimous timidity. No man whose hate is so deep-seated and vindictive as to be satiated only by another's blood, will place his own life within the range of equal probabilities of sacrifice unless driven to it by that power most appalling to its votaries, public opinion. Cowardice underlies the courage of the duellist. He fights because he dare not refuse. Religion, right, reason, are swallowed in the abject terror inspired by the frown of his associates. Half crazed, it may be, in the performance of his unwelcome obligation, he stands before his adversary the captive slave of cowardice, whose uncontrollable thoughts seem to whirl him along in frenzied dance like an Orestes or a Hamlet.

To all such scarecrows as society courage, the cutthroats of the Californian Inferno were profoundly indifferent. Did one wish to kill another, one sought the other and slew on sight. Or, if fired by ambition, the informal duellist might give notice that he was then upon the war path, and should shoot a certain man if not first shot by him. But it was only where murder was raised to a fine art, as among journalists,

politicians, and those whose bread depended upon public opinion, that persons were found so lost to moral courage and manliness as to decline to fight where they had no desire to slay.

Glacus, the Spartan, consulted the oracle at Delphi concerning the restoration of certain money in his possession to the rightful owner. "May I not" he asked, "purge myself by oath after the Greek fashion and so keep the money?'" Thus from his courage, as Glacus from his honesty, the duellist in vain beseeches his gods to deliver him.

Socrates, if he wished to punish an enemy, would let him escape punishment. "If he has stolen a sum of money" he says, "let him keep it, and spend it on him and his, regardless of religion and justice; and if he has done things worthy of death, let him not die, but rather be immortal in his wickedness." So would not the miners of California.

Of all men in the community during that epoch of our history when insult could be washed out but by blood alone, those who mouthed it most loudly, and with sanctimonious visage sighed over the desecration of our holy law, were the first to break it when what they called their honor was at stake.

The duelling grounds in early times were at the Mission. There was no need of secrecy in those days, for sheriffs and judges never attended except as spectators. Some of the most noted duellists of the day sat upon the supreme bench and talked soberly about the unsound principles of the anarchic and revolutionary vigilance movement, and how by it all rights of persons and security of property founded on constitutional compact and legal form would be destroyed.

How vain and absurd! Honest, order-loving men may not strike one blow at a public scourge, one blow for the commonwealth, for themselves, their friends, yet their judges and those who denounce them shall forsooth be praised for jumping from the bench and breaking the law for the simple gratification of a hot

passion. What was the duello, which code most of these men recognized, but an appeal to private combat for offences alleged to have been committed against the arbitrary rules of society, against courtesy or etiquette, so-called laws of honor, which courts of law did not recognize?

Journalists and politicians were those who most delighted in this sort of argument. Their honor seemingly required more care than that of others, and it was necessary to keep it well patched, and not expose it too recklessly. But among the sporting fraternity the code found some adherents, and now and then a butcher and a baker attempted to balance their books in that way, so that altogether there was at one time a new duel for every issue of the Sunday's paper.

"Je veux bien être tué; mais mouillé, non." "I am willing to be killed, but I am not willing to be wet," cried Sainte-Beuve as he stood in the rain before Dubois, and regardless of the expostulations of the seconds, fired four shots from under an umbrella.

Among the encounters of the early Spanish American adventurers were those of Velasco and Ponce de Leon, who during the reign of Ferdinand and Isabella chose a narrow bridge near Madrid, where they were to fight without armor, in doublet and hose, with spears; of Ojeda and Nicuesa, who at Santo Domingo talked of settling their differences by combat, until the latter stipulated that each should put up $25,000 to fight for; of Nunez, the young page of Cortés, who at Mexico in 1521 begged permission to accept the challenge of a Mexican of great prowess, who, armed with sword and buckler, defied the Spaniards to single combat. After a desperate struggle the page slew his antagonist, and bore to Cortés the spoils of victory. But the most notable affair of those in which America was interested, was the challenge and almost immediate death of Diego Alvarado, who offered to fight with Hernando Pizarro in Spain in 1539. Pizarro

had unjustly condemned and executed Almagro, Alvarado's friend. Five days after sending the challenge Alvarado died, and dark suspicion fell on Pizarro, whose misdeeds in Peru were well known, and who was subsequently confined for twenty years. Cortés himself had frequent affairs of honor before coming to America.

Pillet, of the Pacific Fur Company, in May 1813 at the Spokane house in Washington, fought a duel with Montour of the Northwest Company with pocket pistols at six paces. Both were hit; one in the coat collar and the other in the trowsers' leg. Two men, one from each of the respective companies, acted as seconds. The wounds were all duly healed by the tailor.

Unhappy the day that brings accursed culture to a simple home. Civilization teaches savagism how to cheat at gambling, how to give and accept a challenge, but when it comes to actual fighting then each prefers its own way. In August 1814 a chief at Fort Spokane was accused by a gigantic Scotch trapper, McDonald, of having played unfairly while gambling, and was told that he must come out and fight, for he had been insulted and either he or the Scotchman must die, for the world was not large enough to hold a Scotchman and a Spokane who had gambled and quarrelled. When the chief was informed of the orthodox way affairs of that kind were conducted, he greatly wondered that men could be so foolish as openly to stand before each other's fire, and insisted that they should retire to the woods where each might choose a tree to stand behind, and dodge for the first fire. Failing to agree, friends interposed and the belligerents were pacified.

In 1845 a man was brought before a judge in Oregon for challenging another to fight a duel, and in accordance with a law just passed, he was fined $500 and disfranchised for life. In truth there seemed to be more challenging than fighting, a genuine chal-

lenge being almost equivalent in importance to a duel in many places.

In 1816 José de la Guerra y Noriega and one Aspiroz were dining at Governor Sola's house when they quarreled, and the former challenged the latter. The governor and two padres wrote to Aspiroz begging him to withdraw the challenge. There the matter rested, but the feud was not wholly healed until five years later.

It was common among the Hispano-Californians to resort to the duello as a cure for jealousy, and for quarrels over cards or elsewhere. They usually fought with knives or old swords, and they cut one another at a terrible rate until fatigued, when they would rest, or until one cried enough, when the other would dictate terms. Witnesses were not allowed. Common places of meeting were the Huerta Vieja, the Huerta del Rey, and Cañada de la Segunda.

In a cañada near Santa Bárbara, in 1825, Cabo Canuto Borondo and Meliton Soto, *paisanos*, fought a duel. Soto was the challenger, and there were no witnesses to the affair. Civil proceedings were instituted, and the matter was likewise referred to the ecclesiastical court. Father Duran as *vicario foraneo* made the following report. The church, he says, can not look with indifference on the almost certain and eternal damnation of those who die in a duel, and has accordingly imposed the most terrible punishment to prevent such wickedness, namely, "excommunion mayor late sententia ipso facto incurrenda." The bull "detestibílum" of Pope Benedict XIV. denied burial in consecrated ground for those who died in consequence of this offence, an offence springing from a most pernicious custom, introduced by the devil to capture men's souls. The plea of ignorance would not answer for an excuse; only absolution *ad causelam* would make right the hereafter.

In the mission archives of San Diego I find that in

1836, for sending a challenge to fight a duel, Thomas Russell was fined ten dollars and confiscation of his pistol, or ten days in the guard house. In 1841 Uribe was fined five dollars for offering to fight a duel with a bone; and Ybarra was fined a dollar and a half for accepting the challenge. This last mentioned amount was more than Terry paid for killing Broderick.

In 1843 the noted Indian chief, Góscolo, was the terror of the San José jurisdiction, which for years he had kept in a state of constant alarm. He was tall in person, of a deep bronze color, and with a look of caution in his eyes; very ferocious, and in a hand-to-hand fight as valiant as he was savage. Ever an enemy of the white man, during his long career of depredation and murder he never pardoned him who fell into his hands. Francisco Palomares, a noted Indian fighter and by his own showing, although *de razon* no less of a savage than Góscolo, thus describes the latter's death.

Having committed some peculiarly atrocious murders near San José, Góscolo was pursued by Corporal Peña, and the *escolta* of that mission, consisting of some five or six men, accompanied by 100 of the mission Indians *de guerra*. Peña came upon Góscolo's band unawares, and arranged his vastly superior force in a circle, which gradually contracted round Góscolo and his followers, who, to a man, died fighting within it.

One of Peña's auxiliaries, a personal enemy of Góscolo, asked leave of his commander to challenge him to single combat. This permission was given, Peña ordering the battle to be temporarily suspended. Thereupon the mission Indian in his own tongue challenged Góscolo, who accepted, and moved to an unobstructed spot near by, whither the challenger followed him. The high contending parties were each armed with a bow and arrows. Within view of the opposing forces they began to shoot at one another. At each shot both advanced a little, or manœuvred

for better position. This continued for nearly an hour before either was wounded. Finally, after they had advanced to within a few yards of each other, the mission Indian contrived to drive an arrow through his adversary's heart.

Góscolo's death was the signal for the resumption of the suspended battle, and his disheartened followers soon succumbed. Peña caused Góscolo's head to be brought to him, and with his own hands affixing it to his lance, carried it to the mission of San José, where he ordered it nailed to a tree in front of the church door, and there it remained for two or three months. After Góscolo's death there was a notable diminution of Indian depredations in the San José jurisdiction.

Frémont and Mason, while at Angeles in 1847, indulged in the pastime of making faces and calling each other bad names. Frémont did not like Mason over him as master, and Mason did not admire Frémont's behavior as subordinate. Frémont thought Mason's plan was to provoke a challenge, and then to kill him with a shotgun, in the use of which Mason was very expert, while Frémont was not. Frémont then studied patience, but that was worse than the shot-gun; his distempered thoughts at length broke into violent words, and almost before he knew it, trial by shotgun was upon him. Then swiftly passed death-missives to and fro, and a fearful preparation for combat, when General Kearny placed his veto upon the sanguinary frolic, and the soil of California was spared the threatened draught of bad blood.

Joshua W. Collett, captain in the United States army, was slain in a duel in Mexico in 1848. In December of this year Salvador Nieto was condemned to six months' public labor by a jury of six of his countrymen for challenging Nicolas Silvas to combat and firing a pistol at him. Silvas was subjected to three months' labor for accepting the challenge.

At Eureka in 1850 the somewhat stale play of a

sham duel came off, the only feature about it making it worthy of mention being the narrow escape from death of the victim. The fact is, those womanless towns would do anything for fun. Two friends, Raymond and Tucker, quarreled; the former challenged, and the latter accepted. Both were brave and noble young men, but Tucker was the best shot. He did not wish to kill his friend, however easily he might do so; indeed, he would not hurt a hair of his head. Shotguns were the weapons, but instead of balls, which had been agreed upon, the guns were loaded with blank cartridges. This was known to Tucker, but not to Raymond or his second. To the five hundred open-mouthed and panting spectators the trick was likewise unknown and unsuspected. At the first fire Tucker fell, and the red gore spilled from his breast. The crowd was stricken with horror. The prostrate man was carefully taken up, and borne to the house of a friend. Raymond fled, and escaped the fury of the people, for Tucker was a favorite. The man who acted as Raymond's second, however, was less fortunate, and before he was fairly away, amidst angry cries of "Seize him!" "Hang him!" a rush was made, and it was only by declaring to them the joke that his life was saved. Raymond lived three weeks in the belief that he had killed his friend.

Following is a copy of a California challenge:

San Francisco, August 3, '54.

Mr W. R. Graham.

Sir—Your denial this morning of the arrangement made between us, and your insulting conduct in that connection, leaves me no resource but to demand the redress that a gentleman has a right to expect.

This will be handed you by my friend, Judge McGowan, who has full authority to act for me.

Respectfully,

M. E. Flannagan.

Some time in January 1851, Mr Walker, one of the editors of the San Francisco *Herald* expressed fears

that the public administrator and probate judge had pickled rather than preserved a certain estate. The administrator took exceptions to such personalities and threatened to cowhide the editor. W. H. Graham, a friend of the probate judge, then wrote an insulting letter to the editor which provoked a challenge. They fought with pistols and Walker was wounded. Captain Folsom assisted in loading the pistols, which the seconds seemed unacquainted with, and witnessed the fight. Graham was arrested and held to bail in the sum of $5,000.

The same year W. H. Graham and H. Lemon exchanged several shots with revolvers, one of which wounded the latter in the shoulder.

A difficulty arose between Hopkins, deputy collector and Taylor, inspector at San Francisco in 1851. They agreed to meet at Benicia, but Taylor was arrested and placed under bonds to keep the peace.

E. Stanley and S. W. Inge, representatives in congress at Washington in 1851, one from North Carolina and the other from Alabama, after a foolish and empty jangle of words upon the floor of the house, withdrew with pistols in order to kill each other. After the exchange of one shot, fearing if continued some one might be hurt, an aperture of escape was found, and the farce ended. These men both figured subsequently in California.

S. Wethered and one Schaffer exchanged shots with guns in 1851 and were stopped by the authorities.

If Christians fight, may not heathen? Meek in manner and peaceful in action as the Chinese ordinarily are, they are yet, on occasions, capable of the most cold-blooded savagery, and will slash each other to pieces with diabolical zest. Their ideas of the code are particularly murderous. A dispute occurring among a number of them on the Mokelumne river in the spring of 1851, relative to certain money matters, the interested parties locked themselves in a dark room, and proceeded to arbitrate the matter summa-

rily with knives and iron bars, resulting in the slaying and maiming of most of them. How they distinguished friend from foe is a mystery; but to do so was part of the performance. Bloodless barbarians as they are, these people are not wanting in that reckless disregard for life which more civilized nations soberly term heroism.

During the first week in September 1851 George McDougal and E. C. Kemble, editor of the *Alta California*, met twice, Kemble being the challenger. The law, jealous perhaps of the ancient form of trial by combat, interfered at both meetings, and meanwhile the blood of the belligerents cooled.

Out among the bushes in the suburbs of San Francisco, on the 10th of September, 1851, Joseph L. Folsom, graduate of West Point, captain in the United States army, chief of the quartermaster's department on the northwestern coast, first American collector in California, and operator in Leidesdorff estate and Yerba Buena sand hills, met A. C. Russell, both bent upon offering on the altar of their vengeance the life of the other, that honor—without which Mexican wars and advance in San Francisco real estate brought no solace—now smeared and sulky, might be appeased. It was just becoming dark on the evening of that day, when these men met to kill each other. The rabbits and quails paused before retiring, to witness the singular spectacle. None of them had ever before seen a duel fought, as the custom did not obtain among any species of beast known to them. After two shots each, the fiery combatants embraced and went home. The rabbits and quails were disgusted.

A conundrum was the cause of it; it takes but little stirring to set effervescing bad blood mixed with bad whiskey. Wine they called it this time; wine, conviviality, and conundrums. In October 1851 at Nevada, George M. Dibble, a whilom midshipman,

told E. B. Lundy, a Canadian, that he was a liar. Now it is a small matter, comparatively, to be a liar, but a great one to be told of it. Lundy replied with opprobrious epithets, when Dibble challenged him. The fight came off on the Yuba, about eighteen miles from Nevada; pistols, fifteen paces. Dibble's plan was to draw Lundy's fire and then deliberately to kill him. At the signal Lundy fired, and with an oath Dibble exclaimed, "You have fired too soon!" Dibble's second asked him, "Are you satisfied?" Whereupon Dibble opened his coat and exposed the places where the ball had passed through his body. He was thoroughly satisfied. Pushing aside those who offered to support him he walked about 150 yards and fell, dying in about twenty minutes. If all trials by combat might end as justly as this, one could almost sanction this species of arbitration. The man killed gave the insult and gave the challenge; it was simply right that he should die. Lundy was arrested and the seconds gave themselves up voluntarily.

John Morrison killed William Leggett at the third fire in 1852. This was a year prolific in pistoling. A. C. Peachy, legislator, and James Blair, goverment officer, figure in the duelling annals of 1852. About the first of March of this same year, a war of words occurred at Sacramento between ex-governor William Smith and David C. Broderick, which, however, was amicably settled. The governor's son, J. Caleb Smith, was not satisfied, and came out in a card in the *Democratic State Journal* of March 10th, publishing Broderick as a liar, scoundrel, and blackguard. Both were in San Francisco at the time, and it was expected that soon there would be a first-class street fight. Nearly a week passed without a collision, and the crowds began to grow tired of congregating on the corners to witness the show. At length the gladiators appeared near the corner of Front and Sacramento streets. Five hundred people were soon on hand to be again disappointed. During this time

mutual friends were negotiating; Smith withdrew the offensive card, and challenged his antagonist. They met on the 17th across the bay, a mile from shore, on a flat piece of ground, four seconds and two surgeons, with a county judge and sheriff being in the distance. Weapons, Colts' navy revolvers. Smith won the choice of ground, distance ten paces. Twelve shots were fired in all. Smith's third shot hit Broderick's watch, passing through it and slightly wounding him. At the second fire Broderick's pistol failed to revolve, and from that time his whole front was exposed to Smith's fire, as he was compelled to use both hands. Both were cool. Smith was satisfied. No arrests were made, as in the case of McDougal a short time before.

On board the boat from San Francisco to Sacramento, in May, a dispute arose between W. H. Carter and H. A. DeCourcy, editor of the Calaveras *Chronicle*, in which Carter slapped DeCourcy's face. DeCourcy then challenged Carter, and on reaching Sacramento they crossed the river and fought with pistols twenty paces. DeCourcy was struck at the first fire and the battle ended.

The 16th of June a duel was fought by two Frenchmen at Sonora, California, in which one of them was killed. A mining claim was the matter in dispute.

Near the racecourse at San Francisco, the 8th of July, Wethered and Winter fought with Colt's revolvers at ten paces. After the first shot Winter's pistol revolved with difficulty, and at the fourth shot he received a ball in the side which struck his ribs and gliding round made a flesh wound which terminated the affair.

At a banquet tendered to Colonel Magruder of San Diego by the Angeles citizens, in 1852, the question of great men came up, and a doctor made mellow with wine declared that his father was the greatest American. Magruder called the doctor a damned fool. A challenged followed: derringers across a

table at a restaurant; to be fired after "ready! fire! one, two, three!" At the word "ready" the doctor fired and missed, whereupon the Colonel marched round the table upon his terrified opponent. After a vain attempt to escape by the door which had been barred by the spectators, the doctor crept under the table and, embracing the legs of Magruder, cried: "Colonel Magruder, for the love of God, spare me for my family's sake." the colonel gave him a kick and left.

John Nugent, editor of the San Francisco *Herald*, and John Cotter, alderman from the fourth ward, fought with pistols at ten paces the 15th of July, 1852, at Contra Costa. The hour fixed for the meeting was twelve o'clock. The principals crossed to Contra Costa the night previous. About half past eleven the steamboat arrived with the surgeons, seconds, and a crowd of friends and newsmongers. It was very much like going to a horse-race. The moment the boat landed a rush was made for conveyance to the ground about two miles distant. Soon upon the road thither was a line of horses and vehicles of every description. Cotter was on the ground and ready at five minutes before twelve, but Nugent by some misunderstanding did not make his appearance until half-past two. Immediately on Nugent's arrival the pistols were loaded, the distance measured, and the combatants placed in position. At the word the first shot was fired simultaneously and without effect. Nugent's pistol snapped and bending to cock it Cotter's ball struck his left thigh, producing a compound fracture. Had he not moved the ball would not have touched him. Nugent fell and was carried off by the surgeons. The ball was extracted, and, with honor repaired, the wound was not slow to heal.

It seemed incumbent on Nugent to shoot aldermen, or rather to be shot by them, for again the following year we find him fighting Alderman Hayes with rifles

at twenty paces. As before, a large number of spectators were present, and at the second fire Nugent fell severely wounded.

Terms of duel between Hayes and Nugent.

San Francisco, June 8, 1853.

Mr H. Bowen.

Dr Sir—The terms that I propose with reference to the contemplated meeting between Mr Hayes and Mr John Nugent are as follows:

Place in rear of Mr Green's residence.

Time eight o'clock A. M., June 9th.

Distance 13 paces.

Weapons to be used by both parties, competent army Colt revolvers.

Challenge of John Nugent by W. H. Jones.

San Francisco, Aug. 11, 1852

Mr Jno. Nugent.

Sir—The insult offered me requires satisfaction. My friend Mr Lewis Tral is authorized by me to make the arrangements.

Your Ob't S't,

WM H. JONES.

Edward Gilbert, member of the convention for forming the state constitution, one of the first Californian representatives to congress, and senior editor of the *Alta California* newspaper, at the time only thirty-three years of age, was killed by J. W. Denver, state senator from Klamath and Trinity counties, the 2d of August, 1852, at Oak Grove near Sacramento. The men had never seen each other until they met upon the fatal field. A bill for the relief of overland immigrants had been passed by the last legislature, which Gilbert believed to be ineffectual and wrong, and done solely in the interests of politicians. Denver was prominent in the affair, being a personal friend of Bigler, and connected with the relief train. With a great show of charity, which Gilbert ridiculed, Bigler had escorted the supply train out of Sacramento. In reply to Gilbert's arti-

cles, Denver published a card couched in uncourteous language. Gilbert replied and Denver retorted; Gilbert challenged and Denver accepted. They fought at sunrise with Wesson's rifles, at forty paces. The first fire was without effect. At the second fire Gilbert fell, the ball entering just above the left hip. His second immediately rushed up, when Gilbert turned his face toward him with a smile, and died without a groan.

On the 11th of December, 1852, a few days after he ceased to be governor, John McDougal met A. C. Russell, one of the editors of the San Francisco *Picayune*, in an affair of honor. The cause was an offensive article in the *Picayune*, of which Russell was the author. They met on the San José road in Santa Clara county, ten paces, pistols. Russell received a bullet in the breast at the first fire, inflicting a slight wound, which ended the fight.

In sanguinary unrest, with grey eyes murderously set, W. M. Gwin and J. W. McCorkle, professional politicians, met in 1853 near the Santa Clara line, to blot out in blood some horse-race talk. After one grand shot with rifles at thirty paces, both seemed thoroughly satisfied. If the thing was continued, it might cease to be amusing; rifles were rifles, and thirty steps were not far. So the two braves smiled, and the deputation of punctilious spitfires smiled, and swore it was all a mistake, that nobody meant anything, and that everybody else was only too glad that everybody else was glad. And so wise men and knaves all went home together. In truth, it is a wonderful phenomenon, this mixture of folly, gunpowder, and fear.

Oliver T. Baird, in 1853, at the second fire shot C. J. Wright in the neck.

The 3d of November, 1853, C. Krug, editor of the San Francisco *Freie Presse*, independent German paper, and Dr Loehr, editor of the *California Democrat*, the

German state administration organ, settled certain editorial differences just back of San Antonio in Alameda county. Colts' navy revolvers, at six paces. At the third fire Loehr's thumb was carried away by the bullet of his antagonist. The trouble arose from some objectionable personalities in the *Democrat.*

May, senator from Trinity county, shot Edward Rowe, express agent, in the neck at twenty paces on the 5th of November, 1853, at Weaverville.

Peter Smith, son of Pinckney Smith of Mississippi, officer under Jefferson Davis in the war with Mexico, and subsequently connected with the Lopez expedition against Cuba, fought with William H. Scott at the San Francisco racecourse the 3d of August, with pistols at eight paces. Smith was only twenty-four years of age. He was killed at the second fire.

Charles Somers and Thomas D. P. Lewis fought with derringers at ten paces at San Francisco the 11th of February, 1853. Somers received a shot in the left arm.

Alfred Crane, physician from Louisiana, in 1853 challenged Edward Toby, clerk of San Francisco assistant aldermen. They fought with navy pistols at fifteen paces. At the second fire Crane was shot through the abdomen, and died next morning after a night of agony.

Rust, editor of the *Express*, and Stidger, editor of the *Herald*, dropped their pens one day and seized their pistols. The latter was slightly wounded corporeally, but honor was healed.

During the year 1854, there appeared to be a mania for duels. Editors fought. Lawyers, judges, shoulder-strikers, doctors, loafers fought. The legislature of this year was called the fighting legislature, and if a week or two passed without the notice of a hostile meeting in the public journals, men looked at each other as if something were wrong.

J. P. Rutland, clerk in the state treasurer's office,

taking offence at some remark of P. W. Thomas of Auburn, sent him a challenge by James P. Dickson, hospital physician at San Francisco. Thomas refusing to fight with Rutland, on the ground that he was no gentleman, was then challenged by Dickson, and on the next day, March 10th, the parties met at Oak Grove. Thomas' second was Hamilton Bowie, and the second of Dickson was the Honorable Judge Edward McGowan. Weapons, duelling pistols, distance, thirteen paces. Dickson, who had the choice of ground and the word, received Thomas' first fire just under the arm, and the ball passed through his body. Thomas fired first, otherwise it was thought that he, too, must have been hit, as Dickson's ball struck the ground directly at his feet. Dickson died next day, his death causing great excitement, as he was a young man of promise. Rutland felt grieved that Dickson should have died in his place, and threatened to shoot Thomas on sight unless he fought him, too.

The 10th of April a duel came off at the Pioneer racecourse between H. Chaviteaux and M. Richards. The second of the former was Comte de Raoussel-Boulbon; for the latter E. Cavallier officiated. French duelling-pistols were the weapons, and the distance of twenty-five paces made matters quite safe. Three shots were exchanged, when the fiery French gentlemen came to their senses. No harm was done.

Agreement upon details in a proposed duel:

The weapons to be duelling pistols, distance 10 paces. Place of meeting, back of the racecourse near the mission. To fire between the word *fire* and three. To toss for choice of weapons. Then for the pistols. Then for the word. Then for choice of position on ground. Any infringement of rules by either of the principals "will be mett by certain *death*."

LEWIS TEAL,
EDW'D MCGOWAN.

The 10th of May an affair of honor came off near the presidio between James Hawkins, of Tuolumne,

and Christopher Dowdigan of San Francisco. The second of the former was Philip T. Herbert, subsequently member of congress from California, and of the latter William Mulligan, shoulder-striker and politician. Weapons, rifles; distance, forty yards. Result, Dowdigan shot in the left arm.

On the night of May 17th, N. Hubert, ex-member of the assembly, and George T. Hunt, a San Francisco attorney, had a personal difficulty in the Metropolitan theatre. It was all about a chair. Hunt's feet were resting on it, and Hubert wished to occupy it. Words passed, and then blows. Next day the case came before the recorder. Both were fined fifty dollars, though Hunt was declared the chief offender. The following Saturday Hunt challenged Hubert to meet him at the Pioneer racecourse, and next morning at half-past five they were on the ground. Hunt's seconds were Knox and Fox, while Hubert was attended by Charles S. Fairfax, ex-speaker of the assembly. Weapons, duelling pistols; distance, ten paces. At the third shot Hunt fell, with the bullet in his abdomen, and immediately calling Hubert to him forgave everything. He died that evening. Hubert was greatly affected as he left the grounds. An editorial appeared in the *Alta* of May 22d, called out by the killing of Hunt by Hubert. The same day Hubert was arrested. The next day two men, Thomas L. Benson, native of London, and Richard Menzies, having a difficulty over some business matter, met in the outskirts with seconds and a surgeon. Weapons, Colt's revolvers, distance, fifteen paces. The combatants would have compromised through the interference of friends, but Benson's second objected, and hurried him on to the ground. The first round Benson's pistol hung fire. The second time he received his antagonist's ball in the breast, and died next day.

The coroner's jury recommended the grand jury to punish the offenders.

David E. Hacker and J. S. London fought in Cal-

ifornia in 1854. Politics was the trouble; London was killed. T. W. Park and M. C. Brazer, both members of the fighting legislature, escaped an encounter unharmed. Washington wounded Washburn badly; both were editors; there were good writers and good fighters in California about this time.

This time a woman was at the bottom of it, and the combatants were Frenchmen, Ellseler and Dubert by name. The compact was that they should fight with broadswords until one or both were dead or disabled. Both were skilled in the use of the weapon; and as desirable, French-speaking women were not plentiful in California in those days, the battle promised blood. Eight minutes of scientific gyrations resulted in a severe cut in Ellseler's sword-arm. It was now proposed to terminate the affair; but how should they divide the woman between them? Fight it out when the wound was healed? No; women were too uncertain. So at it they went again, hotter than ever, and in twenty minutes more Ellseler's sword was sheathed in Dubert's body. This was the 6th of June; Dubert died next morning.

The 22d of September Rasey Biven of Stockton, and H. P. Dorsey of Los Angeles, met near Oakland. The seconds of Dorsey were Governor McDougal and Mr Watson. Surgeon, C. M. Hitchcock. Seconds of Biven, Senator Crabb and Mr Randolph. Surgeon, Briarly. Weapons, duelling pistols. Distance, ten paces. Word was given by Biven's friends. At the first fire Dorsey was wounded in the abdomen and Biven in the wrist.

The duellistic event of this year, 1854, was the planting in the heart of Devereaux J. Woodlief, a ball by Achilles Kewen, on a wheel and fire, with rifles at forty paces. It was a splendid shot, one of which Achilles might well be proud. It is something to tell one's children; right through the heart and at forty paces, wheel and fire. My dear children, I hope you will all learn to shoot—to wheel and shoot right

through the heart. A misunderstanding concerning a political matter was the cause of the trouble.

Early in 1856, a committee of the legislature investigated the management of the State Insane Asylum under Dr R. K. Reid, whose place had been made vacant by Governor Johnson, in order that it might be filled by Dr Samuel Langdon, a gentleman from North Carolina. Dr Washington M. Ryer, a native of New York, and an experienced and skilful surgeon and physician, testified regarding the comparative care of the insane patients under Dr Reid and his successor, Dr Langdon. His testimony was decidedly favorable to the former, and anything but complimentary to the latter. This was an indignity upon Langdon, so his southern friends were pleased to construe it, and a plan was devised to get rid of Dr Ryer. One night, about three weeks after the investigation, Ryer was struck from behind, on the arm, by a pistol. He turned about, and saw Dr Langdon and Dr Hunter, each with a pistol in hand; he was himself unarmed. "Which of you gentlemen desires to insult me?" he asked. Hunter replied, "Dr Langdon." Ryer calmly said: "Dr Langdon, to-morrow I will hunt you." But Langdon's business took him out of town for several days, and Ryer was not able to find him. Samuel A. Booker, Esq., a Virginia gentleman, advised Ryer not to follow Langdon up; that he would be taken at a disadvantage, and allowed no show for his life, and counselled him to settle the matter by the code. A challenge was duly sent and accepted. The weapons selected by the challenged party, who was familiar with all the devices of the art duello, were a brace of pistols owned by Dr Aylett.* When asked by Colonel O'Neill, Langdon's principal second, to choose one of them, Mr Booker, Ryer's principal second, chose one and discreetly kept it until the meeting

* If these pistols were subsequently used in a celebrated duel in California, this may account somewhat for the result to one of the principals, who was not *au fait* in their use.

occurred. It was a most treacherous weapon, without some familiarity with which Ryer might well have sacrificed himself. The hair-trigger of this pistol had been made so sensitive that the mere motion to elevate the muzzle would discharge it in the hand of one not knowing the weapon. February 24, 1857, the fight having been twice before hindered, the parties confronted each other on Rough and Ready island, four miles from Stockton. The choice of position fell to Langdon's lot, and he stood with his back to the west. Ryer, opposite, received the rays of the setting sun full in his face. To the proposition whether an apology, if offered, would be acceptable, Ryer firmly said "No. No apology could atone for a blow." Neither was hurt by the first fire. Overtures for a reconciliation were again declined, and the second fire took place; no blood. At the third shot, Langdon fell, severely wounded below the ligament of the knee-cap. Colonel O'Neill, his second, then came forward and asked if the challenging party was satisfied. "Yes," said Ryer, "he has fallen." The wounded man escaped with his life, but was a cripple until he died in 1880. Dr Ryer had the largest practice in California; he had served as a regular surgeon in the United States army through the Mexican war. His friends claim, and not without reason, that there was absolutely no alternative for him but to fight, and that his living, his life, perhaps, depended upon his taking advantage of the code itself.

Ferguson, state senator from Sacramento, told a story in which a young woman acquaintance of G. P. Johnson's figured, in a way which Johnson did not like; so he called Ferguson over to Angel Island, on the 21st of August, 1858, and killed him. So horrible was the offence of taking in vain the name of a young woman happening to know G P. Johnson, that death alone was sufficient atonement; hence the terms of the murderous compact were pistols, ten paces, and advance. The fourth shot brought the

combatants within six steps of each other; at which distance one would think a school boy in an ague fit, who had never seen a pistol, could kill the dastardly villain who made faces at his sister. George Pen Johnson could hit Ferguson at that distance at all events; he could shatter at six paces the thigh bone of him who in a dramshop dared speak in other than courtly phrases of a damsel fortunate enough to be under the chivalrous protection of a Johnson; could with a bullet at six steps inflict a torturous wound upon this flippant-tongued honorable, which should cause him twenty-four days of acutest suffering and finally death under amputation. Ferguson could well enough be spared, and if he had taken Johnson with him California would not have been the loser. Among those who call themselves gentlemen, who pretend to that honesty and culture which give manners to society, such scenes are by no means attractive—less so, indeed, than those of the mad miners encamped along the gold belt, who shot and slashed each other in their bacchanals and cared neither for God nor man. Law now steps in to give the final touch to this ghastly farce. Surrendering to the authorities of Marin county, Johnson was tried, and acquitted, on the ground that Ferguson did not die from the effects of the shot, but because he would not submit to earlier amputation! Most worshipped law; incorruptible, direct, void of hypocrisy and guile, let all good villains bow at the mention of thy name!

The most notable of Californian duels was that fought by David S. Terry, associate justice of the supreme court; and David C. Broderick, United States senator from California. Both of these men were actively opposed to the vigilance committee; both made politics a profession, both were high in official position, derived their influence and support immediately from the government, and held themselves up as lights of the law shining upon the obscured intellects of mechanical and mercantile plodders. Now,

at this time in California the law against duelling was plain enough, and stringent enough, but chivalrous lawmakers paid no further attention to it than to employ it as a scapegoat in their unlawful murders. Duellists were disqualified by law from holding office; the majority of duellists were office-holders; office-holders fought duels and yet retained office. Whence it appears, following their example, that the highest crime recognized by law may be perpetrated with impunity by the highest officers of the law, while the most righteous acts of citizens, if done outside of the prescribed forms of law, cannot be too severely denounced and punished. No duellist has ever suffered the punishment prescribed by law in California.

Midsummer 1859 saw Terry a defeated candidate before the democratic convention for renomination to the supreme bench. Broderick was a rough man, and a violent politician of New York hybrid republican proclivities, madly determined his head should be higher set, either in the affairs of state or else upon a stake; and it was to him and his party that Terry owed his defeat. In a speech at Sacramento, delivered before the convention held in Benton's church the 24th of June, while professing resignation yet smarting under defeat, Terry said, "Who have we opposed to us? A party based on no principle, except the abusing of one section of the country and the aggrandizement of another; a party which has no existence in fifteen states of the confederacy, a party whose principles never can prevail among free men who love justice and are willing to do justice. What other? A miserable remnant of a faction sailing under false colors, trying to obtain votes under false pretences. They have no distinction they are entitled to; they are followers of one man, the personal chattels of a single individual, whom they are ashamed of. They belong heart and soul, body and breeches, to David C. Broderick. They are yet ashamed to acknowledge their master, and are calling themselves,

forsooth, Douglas democrats, when it is known, well known to them and to us, that the gallant senator from Illinois, whose voice has always been heard in the advocacy of democratic principles, who now is not disunited from the democratic party, has no affiliation with them, no feeling in common with them. Perhaps I am mistaken in their right to claim Douglas as their leader. Perhaps they do sail under the flag of Douglas, but it is the banner of the black Douglas, whose name is Frederick, not Stephen."

These and other remarks of like nature were printed in the Sacramento papers, and copied generally throughout the state. Broderick read them next morning while at breakfast at the International Hotel, and very naturally broke out in a fit of violent personalities against Terry. It happened that D. W. Perley, friend and former law partner of Terry, was seated at the table near Broderick, and heard what he said. Perley claimed that Broderick's remarks were directed to him; at all events he replied to them, and Broderick retorted. Women being present at the table, Perley withdrew, and soon after sent Broderick a challenge.

Under date of June 29th, Broderick wrote in reply to Perley that the publicity of the affair, if for no other cause, prohibited a hostile meeting. Other reasons, however, did exist which placed it beyond the power of Broderick to give the satisfaction demanded. Within the past few days Perley had made oath that he was a subject of Great Britain, and at the time of the alleged insult and in the presence of gentlemen the writer had said that he could not accept a challenge from one who had no political rights to be affected by indulgence in the practise of the code. "For many years," continued Broderick, "and up to the time of my elevation to the position I now occupy, it was well known that I would not have avoided any issue of the character proposed. If compelled to accept a challenge, it could only be

from a gentleman holding a position equally elevated and responsible, and there are no circumstances which could induce me even to do thus during the pendency of the present canvass. When I authorized the announcement that I would address the people of California during the campaign, it was suggested that efforts would be made to force me into difficulties, and I determined to take no notice of attacks from any source during the canvass. If I were to accept your challenge, there are probably many other gentlemen who would seek similar opportunities for hostile meetings, for the purpose of accomplishing a political object, or to obtain public notoriety. I cannot afford at the present time to descend to a violation of the constitution and the state laws to subserve either their or your purposes."

Perley then in a card to the public pronounced Broderick's letter a tissue of evasive falsehoods, mean, quibbling, dastardly, and that the writer was no less void of courage than of principle, and that thenceforth he had no right to the name of gentleman.

Two months elapsed, when, election being over, and the term of the supreme judge near completion, Terry descended from his bench and demanded by letter of Broderick an apology for the abusive words spoken by him in the presence of Perley at the breakfast table of the International hotel. Broderick asked particular mention of the language used. Terry gave it as follows: "I have heretofore considered and spoken of Judge Terry as the only honest man on the supreme court bench; but I now take it all back." Or if those were not the exact words, said Terry, then any words reflecting on his character as a gentleman and a magistrate.

To this Broderick replied that his words were occasioned by offensive allusions to him made by Terry at the Sacramento convention, and that as nearly as he recollected the language used at the International hotel was as follows: "During Judge

Terry's incarceration by the vigilance committee, I paid $200 a week to support a newspaper in his defence. I have also stated, heretofore, that I considered him the only honest man on the supreme bench, but I take it all back." At a time when vituperation was the language current in political circles Broderick was somewhat surpised that words so mild should be selected as the pretext for a meeting and he could add in his letter to Judge Terry: "You are the best judge as to whether the language affords good grounds of offence." To this letter Broderick received a reply from Terry demanding the usual satisfaction.

Long before this the issue of the correspondence had been determined, so that preliminaries were brief. Broderick held that before he could retract the words spoken by him at the International, Terry must retract the offensive language used by him at Sacramento, and nothing was further from Terry's purpose. The fermentations of political hate had reached the murderous stage, and one or the other of the leaders must die. "Evil doers are punished," says Protagoras "not in retaliation for past wrong, but to prevent future wrong;" so these politicians looked before rather than behind them.

Just over the San Francisco boundary, in San Mateo county, on the morning of the 11th of September, the combatants met; but before their bloody work began, Burke, chief of the San Francisco police, appeared upon the ground armed with a warrant of arrest from each county. Arrived at the police court the charge was dismissed; and the two men were given their liberty on the ground that there had been no violation of the law.

Two days later, at a quarter to seven o'clock, on the morning of the 13th of September, at Davis' rancho, about two miles south of the east end of Lake Merced, being another point in San Mateo county some twelve miles distant from San Francisco, they

met again and with more fatal result. The morning was fair, and the sun dropped gently its refreshing warmth as if in one last attempt to soften the steeled hearts of these murderous men. Some sixty persons were present, and among them no interfering police. Coolness and indifference, either felt or assumed, was manifested by both principals, who stood apart conversing cheerfully with their attendants while preparations were in progress. The choice of weapons was won by Terry, and the choice of position and word by Broderick. Eight-inch Belgium pistols, both set with hair trigger, were the weapons used, and the distance was ten paces. Lagrode, who loaded the pistols, testified before the coroner that Broderick's was more delicate on the trigger than the one used by Terry. The word was to be the usual "Fire; one, two, three!"

The combatants were placed in position. Broderick seemed careless and awkward. "Terry was as cold as a marble statue," says the French journal *Le Phare*, "not a muscle of his body moved; his eyes were fixed on Broderick, and in his attitude was recognized the practised duellist. He maintained his position as erect as an I, the arms straight along the body, the feet close together, and reducing his height as much as possible." According to the *Alta's* report, a second then stepped forward and called the word "Are you ready, gentlemen?" Fixing his eye keenly on his antagonist Terry promptly replied "I am ready." Broderick, grasping his weapon more firmly, likewise answered "ready;" meanwhile partly turning from his vertical position, exposing a fuller form as a mark for his adversary. Broderick's hat was drawn partly over his eyes and he seemed to be scanning a line on the ground between him and his antagonist. Terry, on the contrary, stood perfectly motionless, and eyed his enemy calmly. Then at the word "Fire; one, two!" Broderick partly raised his arm when his pistol discharged prematurely, and the ball entered the ground

a few feet in advance of where Terry stood. Not more than two seconds after Terry, who had raised his weapon, deliberately covering with it the breast of his opponent, fired. The ball penetrated Broderick's right breast, causing him to fall before his seconds could reach him. "The shot is not mortal," exclaimed Terry. "I have struck two inches to the right." When he saw his proud enemy stretched upon the ground, he slowly retired with his friends. How these murderers can live, basking in the wrath of heaven, as Juvenal would say, is a mystery to those who feel within them conscience and humanity.

For four days Broderick lingered, suffering, when not delirious, the greatest agony. "They have killed me because I was opposed to the extension of slavery, and a corrupt administration," he exclaimed in one of his conscious moments. On the morning of the 17th of September he died. The city was profoundly moved. Two thousand citizens, beside the Pioneers who buried it, followed the body to Lone Mountain cemetery, where a granite monument now marks its resting-place. Broderick seemed to find politics profitable, as he left an estate of some $400,000. He left a will at Washington, which was vigorously contested at San Francisco, one of his seconds playing a conspicuous part in it, but was finally admitted to probate.

Writing the day of Broderick's death, the editor of the San Francisco *Bulletin* says: "Whoever reads the correspondence between Messrs Broderick and Terry that preceded the late fatal duel, must be struck with the trifling nature of the original quarrel between the parties, and the absence of everything like an imperative cause for a hostile meeting. Judge Terry, in the heat of an extemporaneous speech, used language of a general nature calculated undoubtedly to excite anger in the breast of Mr Broderick. Yet that language, when analyzed, did not reflect upon Broderick's personal character or honor. It was injurious to his political interests, being calculated to estrange his

political adherents. Broderick, in reading Terry's speech, in a momentary fit of anger, as appears most abundantly from the facts, declares that he had formerly believed that Terry was an honest judge, but that he took back his former opinion. This remark being reported to the judge, the latter is induced to wait two months, until the election campaign was over, when he writes to the senator, and asks him to retract his intimation upon his honesty.

"Taking the matter at this point, we say that the quarrel was not of such a deadly character as to make it absolutely necessary that a meeting should take place. Say that the seconds and advisers of both parties had been peaceably disposed, had been governed by a strong desire to prevent the shedding of blood, and we hold that it would have been easy to have prevented a duel. Mr Broderick distinctly stated that his remarks at the International hotel were called out by Judge Terry's speech in Mr Benton's church. Now, what prevented Judge Terry from saying that in that speech he did not intend to say anything personally dishonoring or offensive to the senator? After reading that speech, we think that such a disclaimer, while it would in all probability have led to an amicable settlement, would have been in consonance with the truth. Mr Broderick, after such a disclaimer, if proper counsels had prevailed, could with honor have withdrawn his passionate remarks made at the International; and what has terminated in a sad calamity might then have ended in an exchange of courtesies. But even if Terry had been obstinate, and refused to modify his first obnoxious language, since that of itself was properly no cause of mortal quarrel, it would have been more magnanimous and honorable in Broderick to soften the bad spirit of his own remarks so as to have taken away even the pretext of a duel. Where there is a will there is a way. The honor of Mr Broderick, we think, could have been preserved in the eyes of all

honorable men if only his friends had taken the kindest and best course for their principal.

"But unfortunately, opposite counsels on all sides prevailed. Both principals seemed to have been surrounded by a set of bloody-minded hotspurs, who were disposed to urge on the meeting to a fatal issue rather than allow on either side the minutest waiving of punctilio. Though Terry's original speech was given doubtless with no thought of provoking Broderick to a duel, and Broderick's rejoinder was made in hot blood at the instant of receiving a strong provocation, neither was allowed to state the truth, to bring about a reconciliation, but were hurried to the field, with deadly weapons in their hands, to shed blood without justification or reasonable cause. We hold that the seconds of these duellists are strongly to blame. They should have prevented a meeting on such trifling grounds. Failing to do so, they must be considered as accessories before the fact to a cruel homicide, and the law should vigorously be enforced by the proper authorities to bring them to justice.

"But we go further than this, and maintain that the seconds are the true instigators and promoters of all duels. The principals in their hands are men of wax, and can be moulded as they will. If people of good standing in society will refuse to throw the mantle of their position over the angry, deadly passions of would-be duellists, the practice itself of duelling would soon expire. The seconds think that, without any bodily danger to themselves, they have the reflected honor of their principal's bravery and contempt of death; then let them also have their reflected punishment. Let that be made as exemplary as the punishment of the surviving principal and we may soon hear less of duelling. The seconds or friends of Mr Broderick were Joseph McKibbin, ex-member of congress, and David D. Colton, ex-sheriff of Siskiyou county. Those of Judge Terry were Thomas Hayes, ex-county clerk of San Francisco, and Calhoun

Benham, a lawyer in this city. All these men deserve the penitentiary equally with Judge Terry."

And now, after this cold-blooded exhibition of inhumanity and wanton insult of the law, comes the prostitution of the law, for the shielding of its august offender. Throughout life Terry's actions, if they speak at all, imply simply this: laws are made for the masses, who must be taught to respect them, to regard it as impious to break, or even so much as violently to touch them. We who make and construe the law, while outwardly showing it the greatest deference for ourselves and our ermine's sake, may indulge in a little license; at all events we will so indulge and break it when we please. Knowing thoroughly its temper, pliability and capability, should we find ourselves at any time unfortunately without the pale of it, we will bend it to our purpose. Teach the people to bow before law as before any superstition, and we, the ministers of the law, may gratify our lawless passions as we please.

Seeing the destruction he had wrought upon his adversary, Terry retired to his farm twenty-five miles from Stockton. Before the duel he had given his resignation of office to a friend to be handed to the governor in case the affair came off. On the 17th of September Terry was arrested by policemen Lees and Ellis, on a warrant sworn out by P. W. Shephard, and issued by M. P. Blake, county judge. He was brought before the court and released on giving $10,000 bail. F. Truett, his defender before the vigilance committee, was one of his bondsmen. The case was several times postponed and shifted from one court to another, until after nine months of dexterous manipulation it was sent by Hager of the district court to Marin county. "Few of our readers will be surprised at this result," says the *Bulletin* of the 11th of June 1860. "To use a vulgar phrase, it was one of those things which had been cut and dried, and most people hereabouts were expecting it. The history of this prose-

cution is not calculated, however, to give people abroad a very high opinion of the impartiality of criminal proceedings in California. By a general law, Terry's case should have been tried by our court of sessions; but Terry did not like our court of sessions; and so, not being able to dispute the authority of that court to try him, he asks the legislature to pass a law taking all such cases out of courts of sessions. This the legislature did; in order to prevent a man charged with a crime from being tried before a court he does not like, courts of sessions all over the state are declared incompetent to try duellists. That was the first step. The case then came before Judge Hager of a district court. There Terry made a new demand: he asked now to select his own place of being tried, and his own judge. All this has been granted. The case is sent to Marin; and J. H. Hardy, it is plain to see, will be the judge. How the trial will terminate is not hard to divine. A Marin jury acquitted the duellist, Johnson, who also killed his man; and it would be strange if they do less for Terry."

> Plate sin with gold
> And the strong lance of justice hurtless breaks;
> Clothe it in rags, a pigmy's straw doth pierce it.

Hardy, a personal friend of Terry's, and a most chivalrous and fire-eating judge of the law-and-order stamp, came down from Mokelumne Hill for the express purpose of presiding temporarily at the seventh district court held at Marin county, in order to free his friend. What had these men to fear from the law when they could so play upon it that it would sing any tune that best pleased them? And now hear the conclusion of the whole matter. The day is fixed for trial, the hour has arrived; the witnesses from San Francisco who should have been present are becalmed upon the bay; the court waits, and drinks, and smokes, and swears a little; then the prosecuting attorney moves a *nolle prosequi*, and the trial of the Honorable David S. Terry, late judge of the supreme court of California,

for the killing of the Honorable David C. Broderick, late United States senator from California, ends before it begins.

A record of Hardy's acts while on the bench, and at other times, would tend in no wise to raise the character of these proceedings in the eyes of good men. I give but one incident among many: While judge of the sixteenth judicial district in March 1861, he was indicted by the grand jury of San Francisco for murder, as being accessory before the fact to the killing of Samuel T. Newell. It was said that Horace Smith, brother-in-law of Hardy, visited the city the New Year's day previous, for the purpose of killing Newell. This adds but another case of ruffian justice to the long list which disgraces the record of the adherents of law-and-order.

Were I permitted but one word, one argument in favor of vigilance, I would point to such men as these. Behold them on the bench, behold them as politicians, as lawyers, as members of the commonwealth; behold their blood-stained hands, their ever-ready and bloody weapons, behold them in public and in private, at home and abroad, insulting the law and constitution, which so used to impress their sense of duty in vigilance times! behold them anyhow or anywhere, and they bespeak in stronger words than mine the necessity of vigilance committees in all places where such characters abound. As I love such men, so hate I law, justice, and morality.

Among the merry men of Shasta in 1859 a sham duel was arranged between Grove K. Godfrey, superintendent of common schools, and William B. Stoddart, trustee, the latter alone of the two principals being privy to it. The meeting was to take place at French gulch, the weapons, derringers, and the distance ten paces. The pistols were loaded with bullets of cork covered with tin foil, in the presence of the assemblage which consisted of about sixty per-

sons, including most of the notables of the district. The challenger, Stoddard, failed to appear and his second, Levi, took his place. It was arranged that Levi should fall, but Godfrey's pistol failing to discharge, the joke soon leaked out, and so enraged was the dupe, that Levi narrowly escaped with his life.

It was "conducted upon the most humane and honorable terms known to the code," they said, when on the 16th of September 1859, William J. Gatewood shot P. Goodwin in the abdomen with a rifle at forty yards, so that he died in excruciating agony within three hours. The killing was done in a very gentlemanly manner. Gatewood was a lawyer, and Goodwin a doctor.

"Doctor I am very sorry that this affair has terminated so; very sorry indeed," said Gatewood.

"I am glad to know that you acted like a gentleman," replied Goodwin.

It was beautifully done; and so sentimental like! One would think the lawyer would almost rather have been shot himself, and that the doctor found it sweet to die at the hand of so gentlemanly a slayer. The people of San Andreas where the two men lived were likewise sorry; they were both good fellows and had their friends. They did not approve of an incensate fashion based upon feudalistic superstition and brute force, but, said they, "when the supreme judge of the state lays aside the ermine to fight a duel; when a United States' senator does not think it so terrible to face the shot of an experienced marksman at ten paces, as to look public opinion in the eye and incur its scorn by refusing to accept a challenge; when society and the people lavish their favors and caresses upon those who have fought duels, and honor the successful slayer—we see no recognized crime or violence to the commonwealth in the act." Goodwin spoke sharp words to Gatewood; Gatewood struck Goodwin; Goodwin challenged and Gatewood killed. Glory to Gatewood! Poor Goodwin! Gatewood is

sorry to kill him, but he should not have spoken hastily.

There were principals, seconds, surgeons, friends, and gapers to the measure of five carriages, which conveyed them before six o'clock in the morning from San Andreas to a flat near Torman's. Here the high slaughterers descended from their vehicles and took their positions. At the word both sprang their rifle locks, but Goodwin's gun hung fire and Gatewood's ball sped upon its death mission. Evidently Gatewood contemplated blood in some quarter, for he brought to the field a vehicle suitable for the easy carriage of a dying man, and this he magnanimously left to the one he had made to feel the need of it.

Duels this year were quite the thing, particularly among jurists. Only three days after the affair at San Andreas the town of Sonora sent forth its shrill crow over a first-class fight. Sylvester Knight and J. E. Easterbrook were the combatants; Knight fell at the first fire.

Daniel Showalter, of Mariposa, thirty-two years of age, speaker *pro tempore* of the assembly, and Charles W. Piercy, aged twenty-four, member from San Bernardino, two light-headed boys lately from declaiming school, fought eight miles from San Rafael, at four o'clock, May 25th, 1861, with rifles at forty paces. Upon our legislative floor hourly in accordance with their well-paid duty stood these two wise and most honorable young gentlemen making laws for suffering humanity, when one day upon a certain question Showalter asks leave to explain his vote. Piercy objects. Showalter has nothing but contempt for any gentleman who objects. Piercy challenges and Showalter kills him at the second fire. Had the affair happened thirty years later, possibly Showalter's shot might have dissipated more common-sense.

"The logic of the *Enterprise* editor is like the love of God." These mysterious words appeared in the editorial of a certain issue of the Virginia *Union* dur-

ing the autumn of 1863, of which Thomas Fitch was editor; and he of whom they were written was I. T. Goodman, editor of the *Territorial Enterprise*. Goodman's aticle which called out the mystic rejoinder was more slashing than sound; and when the writer first read the criticism he thought that Fitch, with a forgiving spirit, intended it as a compliment. The love of God was surely good, and so must be likewise his logic.

But the reporters, literary bummers, and wise men of Virginia city began to question among themselves what deep or dire significance lay wrapped in the words. Whose were they and what was their connection? Mark Twain thought the words were from Byron. Dan de Quille was sure he had seen them in *Baxter's Saints' Rest*. The astute Goodman himself claimed them for Shakespeare. But finally a thin-haired rosy-visaged occupant of the bench beside the entrance to the Fashion saloon, who had once been whipped for running away from Sunday school, suggested the bible. After due search a copy of the book was found, and the passage brought to light, with its continuation—"in that it surpasseth human understanding." The astute Goodman's eyes were opened, and he immediately set about to mend his logic by sending Fitch a challenge to mortal combat.

The editors of Virginia were at that time, as a rule, pugilistic in their proclivities; what they lacked in logic they made up for in pistolings; hence most of them were already under bonds to keep the peace, and new indulgence must be sought beyond the limits of the territory. So the valley called Dry, over the Californian boundary, was chosen for the further interpretation of this scripture passage. Sophistical as Goodman was with the pen, he was no less illogical with the pistol. Ferrend, his second, recommended a few lessons, and two days before the appointed time the two went over into the valley to practise. A pine burr placed midway between Goodman and a

large tree served as a target. The instructions were "Fire low and raise your pistol in a line with the burr." The instructor gave the word, and the pupil fired. Both burr and tree remained untouched. Before the two days had expired, however, much ammunition had been spent, and many burrs shattered. The morning of the meeting broke cold and crisp. A large fire had been built of dry pine limbs, at which the injured Goodman was warming himself. There he stood awaiting his enemy, half in hope and half in fear, as Hector waited the appearance of Achilles before the walls of Troy. Presently Fitch, attended by his friends, drew near. The combatants were soon placed in position and the word given to fire. Simultaneously the shots rang through the valley, the astute Goodman stood erect, but Fitch dropped his pistol, grasped his knee, and turning half round fell to the ground. Then all went back to their respective avocations, happy in the consciousness of a duty well performed, of a great principle vindicated, and of an intricate question solved. Meanwhile the astute Goodman thought to mend his logic, while Fitch thought only of his knee.

Billy Mulligan and Tom Coleman having quarreled, proceeded according to the custom of such gentlemen to settle the difficulty by an informal shooting. Meeting one day in April 1864 at Austin, Nevada, Coleman drew; but Mulligan from long association with the law and order party, with governors, congressmen, legislators, and judges for his friends, was becoming somewhat fastidious in his tastes, and proposed the matter should be conducted on the latest and most approved method. Coleman agreed. Next day they met and fought with revolvers at ten paces. After exchanging six shots, in which Coleman was twice wounded, once in the finger and once in the leg, the distinguished gentlemen retired from the field.

At Laguna Honda near San Francisco in June 1865,

a mock duel came off between a tailor and a barber, the latter only being cognizant of the joke. The details are too childish for record.

At Music hall in Virginia, Nevada, on the 9th of March, 1865, a difficulty arose between Boss Fouke and Charles Safford, well known in the sporting circles of that vicinity. Fouke drew a weapon. Safford said he was not armed; and besides, that was no way for gentlemen to fight. If Fouke would name a time and place, Safford would meet and remain with him as long as he should desire his company. Fouke acquiesced; and the next morning an agreement was drawn up in writing, and signed by both, to meet that day at five o'clock at Long valley, and with navy six-shooters, at ten paces, to fire at the word, and then to advance at pleasure, and to continue firing until all the chambers should be discharged if one of them was not disabled in the meantime. Accordingly they met, about 150 persons being present. Each had two seconds; Finnegan and Louis La Page acting for Safford, and Dr Colombo and Jack McNabb for Fouke. The combatants were stationed, the weapons placed in their hands, and the word given. Fouke was struck at the first fire; but swerving to the right with his head bent downward he continued to shoot. Safford advanced two paces in a direct line keeping up the fire. Every shot on both sides was expended but there was no hit after the first fire, which sent a ball through the fleshy part of Fouke's breast making a bloody but not dangerous wound. The men became reconciled, then each desired that the other might live, and shaking hands they returned to their homes.

Two friends, a book-keeper and a lawyer, living in Virginia, Nevada, in 1865, fell in love with the same female and quarrelled. The woman favored the book-keeper. At a party the two men came to blows and pistol shots. Next day the lawyer challenged the book-keeper to fight, but the latter declined. Toward evening the two men met on the street. The

lawyer drawing at once a whip and a revolver struck the book-keeper and exclaimed, "You won't fight, eh? Then take that! and that!" accompanying the first exclamation with a blow of the whip on the head, and the next with a pistol-shot which took effect in the side. The book-keeper staggered back for a moment, then drawing a pistol both fired simultaneously, the ball from the book-keeper's pistol entering the lawyer's brain. The book-keeper married the girl. This is a very common-place story; but its frame-work will answer for a hundred others.

Charles Anderson and a Mr Lewis, in January 1866, at Sinker creek, ten miles below the Ainsworth mill, in Owyhee county, Idaho, quarrelled about some hay, and fought with knives. Both were killed; one died immediately, and the other shortly afterward.

The *Territorial Enterprise* of the 31st of March, 1857, thus takes off a fight which occurred at Dayton between B. F. Leetingham and A. L. Buck, the combat being the ultimate appeal in the settlement of a dispute concerning a piece of sluicing-ground.

"The dispute between the parties was about a piece of sluicing ground, but no matter about that. The fight began about six o'clock in the morning, when Leetingham came into the ring smiling, and knocked a chip off Buck's shoulder. Buck in return gave Leetingham a look which cut him to the soul. First blood for Buck! The bottle-holders advanced, and sponged their mouths and nostrils. Time being called, the principals resumed their places. Till half-past eight o'clock the parties stood face to face, neither moving a muscle. Then it was thought by some of Buck's backers that Leetingham was observed to wink, and they called upon the referees to decide the dispute. On looking for the referees they were nowhere to be seen. A committee started toward the town to find them, as some one said they had gone off in that direction nearly an hour before to get, as was supposed, a supply of blue-ruin whisky. About half

way between the ring and the town they were found, sitting flat on the ground with a gallon measure of whisky between them, and each a clay pipe in his mouth. One was backing Buck and the other Leetingham. Both were naked as the day they were born, having bet all their valuables, then their hats, and one article of clothing after another, piling them up in a heap, till nothing was left but their pipes, which they were in the act of betting when found. As they were too drunk to stand, they were not disturbed. Meantime the fight was growing more furious. It had been asserted that Buck winked at about the same time that Leetingham had done so, and the seconds were about to call it a draw and advance and sponge them off when Buck made a mouth at Leetingham. Leetingham could no longer be restrained, and established rules had no meaning for him. He advanced a step toward Buck, and thrust his tongue out at him. The fight was now a regular rough and tumble. Leetingham continued to advance upon Buck, punishing him severely in the manner we have stated, till both were far out of the ring, the crowd following and cheering for Leetingham. This continued to be the position of this brilliant and stubbornly contested affair till half-past nine o'clock, two to one being offered on Leetingham, with no takers. Leetingham now made an attempt to take a chew of tobacco, but in doing so made a bad mistake, as the moment his tongue was in his mouth, Buck seeing his chance, at once thrust forth his own, and having thus turned the tables on his antagonist, caused him to retreat. In going backward, Leetingham fell into a shaft some 280 feet in depth. A windlass was procured, and he was hoisted out. On reaching the surface he was still unconquered. Placing his thumb upon his nose, he made a charge upon Buck, twirling his fingers savagely. At noon, the fight being still in this position, the spectators all went to town to dinner. Returning about one o'clock, they searched

till about four in the evening for the combatants, bets being high all this time on Leetingham, when they were at last found on a rocky point projecting over the surging waters of the Carson. Leetingham was crouched upon the farthest projecting point of a crag, begging pitifully for quarter, while Buck was seated complacently before him, triumphantly pulling down the lower lid of his left eye with his unsparing right forefinger." This very funny and instructive story was doubtless by Goodman.

Ferrend—major, they used to call him, in recherché affairs every second must have a title if he has nothing else—Ferrend had many calls of this kind during the early days of Nevada. He was easily found, smelling blood from afar, and was always ready to assist at a funeral of this sort. One day in Wood and Wilson's saloon, Jack Hunter knocked Bill Pitcher down. Pitcher arose, found Ferrend, and challenged Hunter. The latter assented, and named dragoon six-shooters, next morning at sunrise, at the ravine below the Gould and Curry mill, all of which was satisfactory. But when Hunter specified that all the chambers of the revolvers should be loaded, and that after the word was given firing should continue, if possible, until the six shots were discharged. Ferrend regarded it murderous, which strikes one unlearned in the technicalities of refined murder as the irony of duelling; since why should they fight, if not to kill, and after one was killed, what did it matter how many extra bullet-holes were made in his carcass? Nevertheless, it was voted barbarous; killing should be done genteelly, and with decorum. Placed in position, the word was given, and simultaneously the two weapons rang one report. "I think I can stand another shot," said Hunter, but before the seconds could reload he fainted, having been shot through the hips. Three days afterward he died.

A duel was fought by two distinguished French gentlemen in the vicinity of Lone Mountain cemetery

in April 1869 with swords. Amidst circlings, and divers jumping-jack manœuvrs, they pricked each other until the blood began to flow, when they concluded they did not like it, and went home.

A duel was fought with Kentucky rifles, thirty paces, wheel and fire, at Los Angeles the 25th of March, 1870. The high contending principals were John B. Wilson, son of a senator, and Charles E. Beane, journalistic scribe; cause, wine and politics, a common but unhealthy mixture. Taking with them a surgeon, which signified blood, the belligerents gat themselves beyond the city limits, and prepared each for the other's death. Wilson was the challenger. At the signal Wilson turned quickly and pulled, but the gun refused to fire, and Beane magnanimously withheld his shot. Re-loading Wilson's piece the order was again given and both fired. Beane was unharmed but Wilson dropped his gun, his honor satisfied. A flesh wound was found in the left arm. Then followed a scene of sweet reconciliation, and the heroes departed to their homes.

Confinement does not always wring all passion from the man, and the inmates of prisons deem their right to cut and kill each other in a gentlemanly way as good as that of prize-fighters, judges, and legislators. Peter Hanley and John O'Brien lived at San Quentin, lived there upon compulsion. One day, it was the 4th of June, 1877, as for their sins they were carrying the hod, they indulged in an argument upon the moral character of a Barbary coast bar-keeper. Waxing warm in their dispute, and unable to injure each other with words, they agreed to settle the discussion with knives, which they forthwith secured for that purpose from one of the shops. Retiring to a secluded spot behind one of the new buildings, they engaged in some really cutting arguments, until the alarm was given and they were separated. O'Brien was badly injured. Hanley was gashed somewhat about the face, but not so badly as to be unable to endure

twenty-five lashes, which were administered upon the bare back. It is a pity that judges, senators, editors, and others of that stripe, could not have had some of the same medicine administered to them.

Two old and respected inhabitants of Mariposa county, old enough to know better, and respected enough to do better, met informally and fought with shotguns in September 1877. David Evans living six miles from Hornitos was one, and Moses V. Northrup the other. Seven or eight years before Evans' barn was burned, and he said that Northrup did it; said so gently at first and then more positively, and kept saying so for seven years, until the latter became tired of hearing it. So one day he called upon his enemy with a shotgun and told Evans to bring out his and meet him on equal terms. Evans soon appeared with his gun and asked, "Are you ready?" "Ready," said Northrup, and the two men fired almost simultaneously. Evans was killed, while Northrup remained unharmed. Thus the God of battles adjudged Northrup innocent of having fired Evans' barn. A plain, practical, common-sense solution of a question which never otherwise might have been solved.

CHAPTER XXV.

TALES OF THE TIMES.

How indestructively the Good grows, and propagates itself, even among the weedy entanglements of Evil.

—*Sartor Resartus.*

Of tales of the times I have enough at hand to fill volumes. I can only give brief specimens. Nowhere in the world's business did fortune ever turn her wheel more tauntingly; dealing right and left sudden and unfamiliar changes, her ways being outside of ordinary experiences, so that the shrewdest heads were little better than those supporting ass-ears for interpreting the future. A hundred instances might be cited; in fact every man of those days was the hero of an unwritten romance. Bootblack and banker alike might give each his remarkable history, only the former would perhaps far exceed the latter in incident and vivid interest. What a thousand and one tales they would have made, could some seer have read and repeated them, the life's doings and changes of all those varied characters in the gulches and in the towns; clerks, cooks, merchants, mechanics, gamblers, preachers, doctors, and the rest!

With the great emigration to Oregon in 1846 came Simeon Pettigrove, distantly related, I cannot now exactly say how, to that Pettigrove who once owned the ground that Portland stands on, and who should have been one of the richest and most influential men of that rich and hospitable city, instead of chinking glasses during his latter days with Van Bokkelen and Swan in the hotel at Port Townsend.

Of the same wagon-train with young Pettigrove in crossing the continent was Mary Wilder, a brawny maid of eighteen, who walked beside her father's oxen with a long whip, having a sharp gad at the thick end to prod them on through the powdered alkaline plains, and all the long way of that wearisome journey, taking entire charge of the team while her father helped a neighbor with his live stock. Pleasing was she to look upon, although her face was saffroned by the sun and dust, and her clothes begreased and tattered, and her feet broad and bare, for her head and hair were beautiful, and when in the vein the light and warmth of her countenance might kindle the campfire. Heart and legs were stout, and her hands well formed—for yoking cattle; and woe betide the bullock that pulled too much to right or left, or pressed its neck too lightly against the yoke. All the Wilders' wealth was in that wagon, where sat the mother 'midst the younger children—all their wealth except the daughter Mary, a precious property, who must make a good match, and help to raise the family respectability.

Along by the willows, through the sagebrush, over the sandy desert, and over the rugged mountains, Simeon walked with her, talking with her much, and loving her more. He asked the father might he marry her. No. She had nothing; she must marry something, and Simeon had no more than she.

He went his way, and came again, and went and came as did the winter and the summer "How much must he have who marries Mary?" 'At the least, a thousand dollars." Simeon was in despair. As wages then were in Oregon, he could not lay by that amount in five years. The mines of California now began to be talked about, and an expedition was organized to go and dig for gold. Here was his opportunity, and Pettygrove was among the first to join. And as he wound by the base of Shasta butte down into the valley he took a solemn oath never to return without the money which should buy Mary.

On Feather river he began to dig. How his heart beat, how his soul gloated over the first half ounce secured; how beautiful it was to gaze at, how sweet, how lovely, how pure! But not more pure or lovely or sweet or beautiful than Mary, who was awaiting him away back in Oregon. As his pile increased, his darling yellow pile which was to secure the loved object, he could not contain himself for joy. His comrades soon learned his heart's ambition, and once the ice was broken he was forever talking of it. Soon it was the standing joke of the camp. "Pet, how's your gal?" the boys used to ask when they wished to know of the day's success. "It's all right, boys. I'll get her, sure," was the customary reply. When fifty ounces were safely bagged—"She's mine, boys, she's mine," he used to say, or rather, sing; for his heart was singing, and the voice would echo it whether he would or no.

A hundred ounces, "Well, boys, I've got what I came for; I reckon I better go back and marry Mary now." Rather tamely this was said as compared with the late wild overflow of feeling. The fact is, his claim was paying well, and fascinated with gold-gathering, Simeon did not much like to leave it. Easily persuaded was he to remain and work a little longer.

After this the yield began rapidly to increase, until Simeon had secured five thousand dollars. With store clothes he put on a thoughtful and subdued demeanor, hired men to take his place in the ditch, and was soon worth ten thousand dollars, then twenty thousand. Little was said these days regarding Mary Finally he was asked, "Pet, how about that Oregon gal?" Simeon hung his head a little as he said, "Well, the fact is, boys, her folks are mighty common, and couldn't give her much of a bringing up, and while she's good enough for a thousand dollars, I think I can afford a better one now."

One may be moderately shrewd with comparative

safety, but to exhibit talents for circumvention and overreaching of too pronounced a character is dangerous.

Early in the fifties there arrived at Rough and Ready one day a double-edged native of Cape Cod. The next morning he spent in watching and quizzing the miners who were at work. While thus engaged, he encountered the owner of a claim who had sunk a shaft between two very rich claims, and was now within a few inches of an expected strike. The owner of the shaft having business elsewhere wished to sell, and thought perhaps a better price might be obtained before uncovering the precious deposit than afterward. In any event he was willing to gamble on it a little.

"Three thousand dollars was taken out o' that thar hole," said the shaft-sinker, "and nigh on to two thousand out o' this yer 'n, and there's no reason why mine ain't as good as them."

Dinner time came round, and the diggers on the way to their cabins stopped to talk about it, and at length quite a crowd collected about the place. One offered $100 for the claim, another $200, another $250, but the owner peremptorily declined them all. Finally the man from Cape Cod opened his mouth, and in a shrill voice pitched at F sharp spoke.

"Look a-here, stranger," said he, "you don't know me, and I don't know you, but if you believe what you say I'll make you an offer you can't refuse."

"How is that?" said the shaft-owner, while all eyes were directed toward the sharpened visage of the newly arrived.

"Well, I'll work your hole for you on these conditions. If more than $200 are taken out, you shall have the whole of it; if less than $200 it shall all belong to me."

The owner pondered a moment. "Surely," he thought, "there is more than $200 there. This fellow fresh from Cape Cod is a fool. Well, it will do him no harm to purchase of me a little experience at the

price of three or four weeks' labor." Turning to the Yankee he said: "Let a friend of mine work with you, you giving him eight dollars a day should you take out less than $200, and put it all in writing and I'll do it."

"All right, stranger," replied the Yankee, and in a few minutes the thing was done.

The purchaser immediately went to work, and by noon next day had taken out $180. Then he paused; he considered; he looked at his little pile, then quietly laying down his pick he went to the owner of the claim.

"I guess I'll stop now," he remarked meekly.

'Stop," said the other, "why you've only just begun!"

"I know," replied the Yankee, "but I think I had better knock off now, so there is your claim whenever you want it. I have paid your friend eight dollars for one day's work, for I always do as I agree and pay my debts, I don't ask any odds of anybody. My father is a deacon, and we all keep Saturday night. I was brought up never to tell a lie, nor to let any one get the start of me swapping jack-knives; stranger, there's your claim."

In vain the shaft-owner insisted that the Yankee should work out the claim thoroughly, and finally brought suit to compel him to do so. The terms of the contract were plain, and it was decided that the Yankee had the right to stop working whenever he pleased. It was a very fair return for the first day's work, but the deacon's son was obliged to continue his perigrinations, as the diggers of Rough and Ready felt hardly at home in company with a genius so superior to themselves.

A reckless youth of twenty-two, named Prudon, whose home was in Louisiana, being put financially upon short allowance by his father for having lost money betting on Clay's election—a game the boy

did not understand, as the father said—set out for California overland and after trying his fortune unsuccessfully at Placerville, then Hangtown, he continued his journey and arrived at Sacramento in the midst of the cholera season of the autumn of 1850. The streets, swarming with teams loaded and loading, presented to one just from the lonely dusty plain a stirring scene, and the hotels, taverns, and gambling saloons were so much to his liking that he concluded to settle there.

He had been educated by his father for the presidency of the United States, and as he had understood that it was necessary to undergo certain routine before seating himself in the White House, he determined now to adopt the profession of politics, whereupon he ratified his determination by taking a drink. Selling the poor mule that had carried him from the Mississippi river, the proceeds of which constituted his entire capital, he chose a hotel on a par with his pretensions, and after a substantial luncheon he bethought him of letters from home, and started for the postoffice.

The steamer had lately arrived, and at the window was a line of one hundred and fifty or two hundred men, at the foot of which he was obliged to take his place and wait his turn. It was a tedious process, standing and stepping at long intervals, as one after another was served. The sun poured down hot, and the young scapegrace, feverish and thirsty from his fatiguing journey, hailed a passing watermelon cart, and bought and ate, and bought another and another. Thus in due time he reached the window but found no letters.

To console himself for the loss of so much time and the attending disappointment, he treated himself to a glass of brandy and water, and as it pleased him he took another. This caused him to feel so well that he concluded to take several more so that he might feel better; in fact he would feel his best.

Brandy in doses sufficiently strong and frequent,

taken directly after watermelon, when the system is somewhat reduced by travel, and the still, incandescent air is epidemic with disease, often makes one feel like retiring; so our young Louisianian sought his bed, and soon was sleeping heavily. Strange to say, about three o'clock he awoke with violent pains and called for a physician. The doctor came and dosed him. He was comfortless; no more brandy and watermelon now. He kept up, though he knew the cholera had clutched him. It seemed to him the streets were full of hearses, and once he caught a driver closely eyeing him as if casting in his mind about how long it would be before his services would be required.

Day after day he grew weaker, and finally was confined to his room. The landlord gave him up, and disliking him to die in his house lest it should frighten away his guests, he recommended him to the hospital. A long, low, adobe building at the fort, a little distance out, was used for that purpose. Our young friend was not much pleased at the thought, but he was now so weak that he could not offer much opposition. The hospital wagon was ordered round, and the sick man was carried out on a mattress. Another invalid was called for and taken in, who was yet more ill; at all events he groaned fearfully all the way out.

The ride and the fresh air seemed to revive Prudon, and when he reached the hospital he was able to stand alone, and while they were carrying in his fellow-passenger, he seated himself in a chair that stood under the verandah which ran round the building. Just then a small, pleasant-looking man in a green cap and tassel made his appearance at the door.

"I say, stranger," ventured Prudon, "can I have a glass of water?"

"Why, are you a patient?" asked the little man.

"I should say I was," replied Prudon, "I came here in that wagon."

Much to the joy of Prudon, who was very thirsty, the little man disappeared within the door with alac-

rity. He soon returned, but instead of water he held a book in his hand, and approaching the invalid he opened it and drew from his pocket a pencil.

"What is your name?"

"Prudon."

"Give it to me in full if you please; and have you any friends here, and where is your home?"

"Answer me one question first," replied the patient, now growing weak and irritable, "why are you so particular about all that?'

"So that, in case you die, you know, I may be able to write home for you."

Prudon began to feel that he was indeed booked for the next world, and looked at the small door cut through the thick adobe as the opening to his grave. He now asked to be taken in, for he was getting weak again, and was almost choked with thirst. The little man called two attendants, who took him up, and entering the door laid him on a bed. The room was about seventy feet in length by thirty in width, and contained nearly one hundred invalids in every stage of the disease. They were stretched on cots ranged in rows across the room. Some were groaning and some were cursing, but most of them lay quite still. They were cared for as well as might be at such a time and in such a place, but it was pitiful to see them lying there alone, and dying alone, and at such a fearful rate. For every morning when the attendant went round he was sure to find three or four of them cold and stiff, having died without a word, and apparently without a struggle. Of such the attendants merely straightened the limbs and covered the head with the blanket; then taking up the cot, they carried it out at the back door, put the bodies in a rough board coffin, and stacked them up to be carted away. Truly, never went men so far to find a death so sad.

Our Louisiana friend did not like this night dying, and so he took care to waken early in the morning, that he might not be carried out and boxed up asleep.

A good doctor helped him through, however, and in time he was convalescent. Then with returning appetite, how he thought of home, and longed for something from his mother's table!

Discharged at last, he walked, or rather, crawled, one morning into the city, ragged, dirty, and without a dollar in money. After walking about some time, weak and fainting, he seated himself upon a step. Matters were getting serious with him. He was not yet fit for work, although he was well enough to leave the hospital; but to earn or make or get his dinner and a place to sleep, he had not the remotest idea how or where. Fortune now smiled on him in a way he least expected. Seated thus, he saw crossing the street one he should know. Could it be possible, Caleb Anderson, his old friend and college mate? "Cabe!" he shouted. The man turned and looked at him, looked earnestly. He saw it all. Dress, feature, attitude—what volumes were written there to the friend who could read them! Approaching his old comrade, he lifted him up, and drawing his arm within his own he led him away, speaking scarcely a word. The meeting of friends, often under circumstances the most peculiar, each of whom had come to California unknown to the other, if told upon the pages of fiction would be pronounced improbable. Prudon's troubles were over, and he was soon in a position to help others, as he had been helped.

A godless gold-digger strolled into a new methodist church at Forest City one Sunday, and after gazing listlessly about for some time, his attention was at length arrested by the story which the minister told of a miner who had miraculously escaped death on falling into a shaft while in a state of intoxication. So impressed was this man by a sense of the danger he had escaped that he immediately sought religion and found it.

"After sitting one hour on the repentant's seat,"

said the preacher, "God forgave him his sins, and thenceforth he was a new man."

Now it happened that the listener himself had likewise one night not long since become beastly drunk, stumbled into an old uncovered shaft on his way home, and escaped unharmed. The force of example fell upon him. He became uneasy, twisted himself in his seat, and finally rising up called out to the speaker, "Is that a fact?" "It is certainly true," replied the preacher. Turning to the one seated nearest him, he exclaimed, "My case exactly: I fell into a hole, came out all right; religion must be a good thing; by God I'll try it on too!" Therewith he marched forward and took his seat under the more immediate droppings of the sanctuary.

Among the miners at Carson creek, near the Stanislaus river, was an old man who had been there some months—it was generally believed that he had been successful—no one knew what he did with his gold, for he was a man of economical habits, and free from the vice of gambling. People believed that he buried his gold. One day the old man threw the whole camp into excitement by frantically rushing about and declaring that he had been robbed of his gold. He was rather liked and most of the miners sympathized with him, and offered to assist him in finding the gold, and in catching and punishing the robber.

After numerous inquiries of the old man, it was ascertained that he had been in the habit of burying his treasures in different places; and that the amount of which he had been robbed was concealed in a leathern bag at the foot of a certain tree—which particular bag was filled with lump gold, specimens, etc. He took several persons to the spot and showed them the hole cornered by a flat stone.

Upon examining the place carefully, a large gopher's hole was discovered in the side of the cavity in

which the bag had been deposited. One of the party suggested to search the gopher's hole. A shovel was brought and the side drift carefully followed. After tracing it about ten or twelve feet, there was found a little ante-room or chamber of about six inches deep, made in the side of the main road or hole, with a neatly paved floor of lumps of gold, and in the rear of this extravagantly furnished apartment was found a portion of the old man's leathern bag.

The den of the robbers had evidently been found, but only a small portion of the gold—where was the rest? Following the trail of the robber a little farther, they came upon a succession of apartments or niches, and found each one as regularly and beautifully paved with gold as if done by the hand of man, while in each was found a small portion of the leathen bag, as if used as a lounge or mattress. Not a single particle of gold was found along the line of the main road; all had been carefully carried into and deposited in the side rooms. The whole amount was weighed, and found to be exactly equal to the gold the old man had buried in the bag. The gopher succeeded in escaping unharmed. Such is the gopher story of the Stanislaus.

We have another gopher story. "Last Monday our usually quiet burgh was awakened by the intelligence that new diggings had been discovered within a few hundred yards of the town, paying twelve dollars to the pan. Hundreds immediately flocked with picks and spades to the place, and in a short time had staked off the whole hillside. They worked very diligently until evening, when the discoverers, let some of their friends into the secret. They had buried bags of gold dust there last spring, and in digging for it found that the gophers had eaten the buckskin bags, obliging them to wash the surrounding earth. Ten minutes after this announcement there was not a miner or tool to be seen about the new diggings."

Italian straw hats were in favor at one time to the disgust of a Panamá hat dealer who vainly sought to get rid of his high-priced wares. One day he bethought himself to buy five dozen hats from the Italian rival, and donate them to the chain-gang working in the street. When the straw-hat wearers saw these men decked therein, they at once discarded theirs and patronized the dealer.

Swan tells the following story of a tall Irishman named Frank, whom he knew at the mines in '48. Frank found a great deal of gold, but threw it away on drink. He used to go on a spree for two or three days at a time. One day he was drinking at a liquor tent, and had his buckskin bag open in his hand. A looker-on told him to be more careful or he would lose his gold; whereupon he seized the bag by the bottom and scattered it all around on the ground outside the tent, saying he could get plenty more. He had three pounds in the bag at the time, and it was nearly all lost. Some time after that Frank made $7,000 at the Middle fork, which lasted him just six weeks.

In the summer of 1850 five dollars was not an unusual price to be paid for a watermelon in the mines. Joshua Griffith, an old pioneer, planted six acres in the spring of 1851 on the Merced, and confidently expected to realize a handsome sum from them when ripe. Sometime previous to this he had purchased a thousand straw hats which he still had on hand, their sale being dull and when the young watermelon plants came up, to protect them from the frosts, he determined to utilize the hats, and at night each vine would be carefully covered; and in the morning when the sun would commence to pour his warm beams on the earth the vines would be uncovered. Everything was auspicious, until one morning Griffith went as usual to uncover the vines, when not a hat, vine, nor any of the soil that had been turned up by the

plough, was to be seen. All had been swept away by the river which had risen during the night, while poor Griffith, in a dream, was selling luscious watermelons at three dollars apiece.

California has always offered peculiar attractions to clergymen. The opportunities for doing good were great during the flush times, and many availed themselves of them. As a rule the most talented preachers at the east were glad to come to California upon a good call with a fair salary. Their congregations here were so fresh, so full of the fire and enthusiasm of young manhood, so keenly appreciative, that it was a pleasure to labor among them.

Ministers were obliged to work harder here than in more settled communities, but few cared for that. Everybody worked harder. There was much to do, and the emissaries of Satan were no less active than were the servants of God. They had their old sermons to fall back upon, which was a great help, particularly to those somewhat advanced in years. Very old clergymen California did not care for.

It only shows with what thin pabulum those who sit in pews are satisfied when they expect a man of ordinary ability to write two sermons a week, to make frequent parochial visits, indulge in society gossip, attend marriages and nativities, and offer the consolations of religion to the dying.

This is right enough when one has the fathomless well of genius, like Beecher, to draw from, but it will not do for those who are obliged to elaborate their slow stale thoughts, as most men are, in the closet. One sermon fit to preach before a really intelligent audience requires the diligent thought and study of an ordinary intellect for at least a fortnight.

It were infinitely better for the average clergyman to read printed sermons than to preach the trash he does. How few discourses have any thing new or really instructive in them! The same ideas, hashed

from time immemorial in the same words, become uninteresting after a while to the really hungry. The mind alive to the swift whirl of progress wants something besides ancient and oft-repeated stories and traditions. The moment one begins to think, seats in churches grow hard.

We have had many good men in California as spiritual teachers, many saintly men, many true patriots, many of marked talents. No man exercised greater or more beneficial influence during a crisis which was to determine the destinies of the state than Thomas Star King, who spared neither voice nor pen to save the republic from dissension. In Doctor Scott the Californians of early days saw her Saint Paul, and the divine Saint John was not more heavenly-minded than Doctor Wadsworth, overflowing as he was with pure though peculiar genius.

But among the many good men of the ministerial class, as among others, there were some bad men. Of these, few knew of their badness themselves when they left their homes. Throughout their lives sermon had followed Sunday school, and college, catechism, and they really regarded themselves as saintly. No one was more surprised than they, after they had been in the mines a short time to catch themselves drinking at a bar, betting at monte, or frequenting a house of ill-fame.

Of all plants, probably a youthful clergyman in a stormy climate is the most tender. Educated into the belief that belief is everything, while actually not knowing what belief is; taught to think himself by reason of his profession alone whiter than others in his purity, stronger in his strength, when bereft of these stays he often falls deeper than any.

It was so in flush California. Hundreds of those who came hither fell, fell very low, lower than some who professed less. Many took on the livery of Satan before they touched the shore—in New York, on the steamer, or at the Isthmus; so that when they

arrived in California they never made it known that they had ever been clergymen. Some entered a course of systematic swindling which lasted for years, during the whole of which they never ceased to parade their cloth. They were ministers of the Lord, incapable of iniquity, and so their blackest sins they covered with robes of white.

Finding preaching in the interior unpopular and unprofitable, some became miners; but as a rule they did not take kindly to work. Their theology had instructed them that although the Lord might pay his servants poorly, yet he did usually pay them something; and that lucre alone was in their estimation sanctified which came without labor. They were the Lord's, as indeed was the country, the gold, the corn, and the wine, and the cattle on a thousand hills. Their instructors had told them that three years' reading theology had made them different from other men; that God loved them better for it, and would do more for them than for those who had been all this time digging potatoes, or doing something useful. It is the most pernicious and ruinous doctrine in the world.

Yes, they were different from other men, different by reason alone of their holy teachings, their holy professions and protestations; so different, that the business man would immediately suspect one who should utter the name of Christ in connection with a moneyed transaction.

Some, on reaching California, sunk their reverend titles and turned gamblers. Here they saw at once that the parade of their profession would not pay, that piety and prayers in a game of poker would be suspicious of aces and kings tucked away in sleeves or other saintly receptacles. So scores went down into the depths, and never after saw the light; often changing their names so that their friends should never again hear of them.

But by far the greater number refused to throw away the holy appellations which had cost their pa-

rents and themselves so much to acquire. The masses in California, except in money matters, were soft in heart and conscience toward old family-altar and Sunday-school memories, and the colors of the childish superstitions concerning clergymen had not yet been wholly eradicated by the toils and tumults of California. Quack medicine was a little more efficacious coming from holy hands. It was not quite so unpalatable being cheated by a soft, smooth-tongued, glowing gospeler, as by a Jim Stuart or a John Jenkins. This the pious pilgrims soon ascertained; and so many turned clerical tramps, going from place to place, preaching cheap nonsense here and there to stupid prayer-lovers, picking up such nuggets and knowledge as they could lay their hands on, paying for their breakfast with a hymn of praise, and on the whole satisfied with their three years' reading of stale theology and the Lord's care of them therefor.

A favorite plan was to turn insurance agent, or take a sewing-machine or patent medicine, and beg people for Christ's sake to buy of them, and for the love of Christ many would so buy. So easily are men duped on the side of their prejudices. In this way, during a long business career, from the most hallowed opinions of the cloth which had been instilled in their minds since infancy, good, honest-minded men came to regard them as they were. But it was slowly, and at the cost of numerous losses, that the eyes were opened. Then people saw the country full of canting, hypocritical humbug, which, in the name of religion, preyed upon the poor and credulous. As insurance agents they became very expert, quickly learning whenever they encountered a man how much of salvation or damnation to mix with their wares, or whether to dish up for their customer piety or profanity.

Twenty broad examples might be cited of their rascality, which happened under the direct observation of the community, but one will here suffice, as it is not a very delightful theme.

An insurance office on California street in San Francisco, was for many years under the efficient and zealous management of Mr C. T. Smith. His opinion of the honesty of clerical insurance agents was bad enough, but they were among his most successful men, and he was obliged to employ them, and, as far as he could do so with safety, to accommodate them.

One Saturday afternoon, the banks being closed, Smith brought to the cashier of his company a clergyman, one of his best agents, long and favorably known to him, with a request for the loan of $160 for half an hour.

The cashier had filled his place for many years, and ever proved the faithful guardian and vigilant Cerberus of the company's strong-box. Moreover, he was gentlemanly and accommodating. There was no one on California street who would go farther to do a favor than he, but a battalion could not force him to break a rule of the company, or take any liberty with the funds entrusted to him.

In this instance he hesitated. There stood an agent of the company, a good man, a clergyman, whose request was urged by the manager of the department with which he transacted his business. The head of the establishment was not present at the time, and thus the whole of the responsibility was thrown on the cashier. He did not like either to refuse or to acquiesce.

"Accommodate him if you can," said Smith.

"One hundred and sixty dollars," muttered the cashier, as his hand slowly sought the knob of the safe, "and for only half an hour; Saturday afternoon, has money in the bank, can't get it—hum, ahem!"

"I will certainly return it you within the half hour," said the clergyman in sepulchral tones, smiling blandly.

"It seems to me a little strange," replied the cashier, "that having been in town all day, and knowing that you would require this money this afternoon when the

banks were closed, you did not draw it before. Besides, what can you want with the money for only half an hour?"

"Sir, do you know who I am?" demanded the minister.

"Yes, I know very well who you are," replied the cashier, "and all I can say is that I have no authority to loan you this money."

"Let him have it and charge it to me," exclaimed Smith, somewhat impatiently, thinking the cashier too particular.

The cashier gave the minister the money and made a ticket of it to Smith. The borrower hurried away. When he had gone the cashier turned to Smith, who had not yet left the place.

"Mark my word," said he, "that money goes upon the tiger."

"But he is a clergyman, and one of our best agents," returned Smith.

"I don't care," said Tom, "clergyman or no clergyman, while we are talking your money is on the gambler's green cloth, and not a stiver of it will you ever see again. Mind you, for only half an hour. Besides being a rascal the man is a fool. Anybody but a preacher would have made a better story than that."

Smith grew uneasy. He was of a nervous sanguine temperament, not easily excited in his suspicions, being the soul of integrity himself; but once aroused nothing stayed him. There appeared to him now much truth in what the cashier said; indeed there was no other way of accounting for the reverend borrower's behavior. Smith fidgeted, walked from the desk a short distance and hastily returned, swore a few gentle oaths, and finally seized his hat and started off at a brisk pace turning up Kearny street.

Almost to the plaza he walked, then back to California street, where turning he repeated his steps first taken. He had not proceeded far on this second tack

when he saw his friend coming toward him with bended head and a slouched hat drawn well oves his eyes. His whole appearance betokened the ruined gamester, and that such he was there could be no longer any doubt.

Smith went for the man of God.

"Where is my money?" he demanded, waking the clergyman to a realizing sense of things by a tremendous slap upon the back.

"I left it with a friend."

"Where is my money?" roared Smith, seizing the reverend collar and shaking the rising lie from the reverend lips.

"Lost every dollar of it," was the reply.

"Take me to the place?"

"I cannot."

"You will; quickly, now, if you would avoid a scene."

Slowly the good man turned and walked about a block, ascended a flight of stairs, passed through an ante-room into a large saloon where stood several tables, and thence into a back parlor, Smith following closely at his heels. In this room behind a table was a large and highly ornamental safe well filled with money. On one side stood a secretary writing, and on the other a big burly short-haired Irish shoulder-striker. Smith saw no danger, but only the safe, and one whom he took for the proprietor, who was in the act of opening the door of his treasure-house, when the former, now pale with passion, walked up to him and exclaimed:

"I want my money."

"What name?" asked the man, as calmly and as politely as if in answer to the most common and reasonable of requests.

"——— insurance company," was the reply.

The gambler looked at Smith and then at the parson. He took it all in at a glance. With his hand still upon the knob, in the attitude the intruders first

found him, he meditated an instant, but only an instant, when he opened the door of the safe and counted out the money. The gambler saw that he was caught, that Smith could and would make him much more trouble than the money would do him good, and that this was by far his best way out of it. Smith took the money and departed, the good man meekly following.

Even in the interior, Californians concluded in 1850 that there were sufficient conveniences to render life comfortable, while in San Francisco the man with money might indulge in luxuries to any extent, and even board at a hotel having a notice posted "Potatoes at every meal." True, there were some, who, like the Englishman, seemed to expect as much of a place which had called itself a city but for twelve months as of a metropolis twelve hundred years old. This John Bull, with more belly than brains, and characteristically prolific in left-handed compliments to those who showed him attention, was invited by a friend to a public dinner, which, considering the newness of things, and the fact that the market was necessarily supplied entirely from abroad, was really elegant. The Englishman feasted himself to his heart's content, and rose from the table with happiness shining from every corner of his face. His entertainer, naturally proud of the capabilities of so new a country, slapped him on the shoulder and exclaimed, "Well, sir, was not that a good dinner?" "Very good, very good," replied the Englishman but then its nothing to what I have eaten in London!"

One Sunday immediately after the receipt of the news of Louis Napoleon's doings in the Crimea, a clergyman of Nevada took occasion to refer in flattering terms to the Bonaparte family in general. A volatile Frenchman happened to form one of the congregation. Scarcely had the preacher reached the culmi-

nating point of his encomiums, when up jumped the Gaul, and thrusting his hand deep in his pocket drew forth a ten-dollar piece, and marching up to the pulpit deposited it upon the desk in front of the speaker.

One morning after breakfast a woman sat quietly looking over the paper, when glancing her eye down the list of passengers to sail by the *Tennessee*, April 1, 1851, she started as if stung. There, about the middle of a list of two or three hundred, she saw the name of her husband. It is true his trunk was packed, but, as he had informed her, for a short trip into the country. Her first impulse was to create a disturbance; but being a sensible woman, on reflection she concluded such a husband was not worth having, and he might go. As he was then absent from the house making preparations for his long voyage, she unlocked his trunk and examined the contents. Sure enough there was the evidence, in the shape of all his movable property, of his intention to abandon her; and among the rest $8,000 in coin. "At all events," she said to herself, 'he shall leave me some means of support." So she took from the amount $3,000, a moderate division on her part, locked the trunk and bade her husband farewell, giving no signs of her knowledge of his intentions. Thus both played their little first of April trick, and the wife was not the loser.

The grizzly bear is the king of Californian beasts, rivalling in courage and strength the royal lion himself. They are bold and cunning and in early days were very plentiful. Then the old hunters of Missouri and Kentucky, who had been tempted by the promise of lucre from the traffic of their love, often turned for a few hours from their digging to chase or be chased by the grizzly. Early one morning in 1849 a Missourian, called by his comrades Graygritz, took up his rifle and started out for a buck. He had not

proceeded far before he came upon a herd feeding, which, scenting him before he could get a shot, made off up the hill and along the comb of the ridge. Graygritz followed at the top of his speed. Approaching a little thicket, the hunter noticed that the deer suddenly shied and took a wide circuit round the covered spot. Graygritz paid little attention to it, however, and cut across, passing by the very verge of the thicket. Suddenly a tremendous crash was heard, and out rushed an enormous grizzly with open mouth and angry eye. There was not a moment to lose, the beast was upon him. Instinctively the hunter raised his gun, fired, and missed. There was no time to turn; the hot breath of the infuriated animal the hunter could feel upon his cheek. Swinging the barrel over his head he struck desperately at his assailant, thus clubbing off the terrible foe, until in making a blow the weapon flew from the hunter's hand, leaving him without the slightest means of defence. There was nothing now but to run for it. Darting down the hill, running obliquely so as to take the bear at the greatest disadvantage, the fearful race began. Down the steep hillside rattled the loose stones, and every leap of the bear made the chaparral crash. Again and again the bear was almost upon him, striking at him its ponderous paws with such force as to bring it to its knees. Thus they rushed along until they reached the foot of the hill, when the fugitive became conscious that his strength was gone. He saw before him a horrible death; there was no escape, great drops of agony fell from his forehead; his limbs tottered; in sheer desperation he turned upon his foe, and boldly facing it, uttered an unearthly yell. The beast stopped amazed, drew back, then turned and fled.

A Mexican and an Irish woman once went to a clergyman to be married. The bride could not speak the Mexican's language, and the groom could speak no Irish. The clergyman, who was a good

linguist, tried first to tie the knot in English, but the Mexican laughed so immoderately and so persistently when called upon to repeat the ominous words, that the man of matrimony became angry, closed his book, and left the pair only half united. Bridget rushed after him and begged him, with tears in her eyes to finish the business, assuring him her loved one meant no disrespect. Returning he administered the oath of allegiance to the Irish in English, and to the Mexican in Spanish, and the united pair went their happy way.

Here are two sketches; one the forty-niner and the other the fifty-sixer:

"Buried among the recollections of by-gones are the good old times when eight feet square was a claim, and a crowbar, sheath-knife, and pan constituted a full set of mining tools. When working with a rocker was considered rushing business, and holding two claims a monopoly; when potatoes were an expensive luxury, and flap-jacks passed current for bread; when men disdained to speak of dollars and cents, but reckoned their small change in pounds and ounces; when the abodes of honest miners were not dignified by the modern terms of houses, towns, and cities, but were known as cabins, camps, and ranches; when Judge Lynch disposed of all desperate cases in a summary manner, through the simple medium of a jury of miners; and such things as petty swindling, petty thieving, and pettyfoggers were unknown; when the only sickness in vogue was a headache after a big spree, and the only medicine, the hair of that same dog. Alas! the country is getting civilized, alarmingly civilized!

"Such are the reflections of an old forty-niner, who, having outlived his time, now smokes the pipe of peace and poverty—an honorary member of the Can't-get-away club. He has flourished in the season of big strikes, and can, if he chooses, give you a leaf

from his experience concerning rich pockets, and turn his own inside out without spilling anything. Like Wilkins Micawber, he has great hopes of something turning up; so he prospects, contenting himself when unsuccessful, as he generally is, with simply cursing his luck, but will see you where the climate is anything but cool before he will work for wages. Thinks honest industry is a mighty fine thing to talk about, but big luck is a fortune, and is the peculiar gift of the Muggins family. Believes that old clothes are an honor to the wearer, but has a lurking suspicion that men with white shirts, tall hats, and black coats are preachers, office-seekers, or monte-sharps. Is fond of white folks and whisky, but hates greasers and Chinamen; is a firm advocate of lynch law, and thinks the California legislature a humbug, not excepting the doings of our last body of lawgivers. He has many other peculiar notions, which he pretends are founded on experience, but being the opinion of an old fogy, are of course behind the times, and extremely liable to be erroneous. Gold mining is his favorite theme. If you wish to draw him out on that particular subject, just say to him that he has been in the country long enough to have a wagon-load of dust. He will give you a knowing wink and a sagacious shrug, seeming to say, I could a tale unfold, and then proceed to unfold a remarkably long one."

Next we have the later comer.

"That's him, with the stovepipe hat, black pants, satin vest, white shirt, and cravat with two round turns and a square knot! See, he carries a carpet-bag, and bless me! if he hasn't got a full-grown umbrella, too! No old inhabitant would ever mistake him for a forty-niner. We know their sort by their backs. Does not his countenance beam with the light of great expectations? Isn't he, even now, cogitating upon some safe plan of investing his dust?—discussing in his own mind whether he had better trust it to the tender mercies of a banking-house, or bury it in some

secure corner? That emphatic gesture with the umbrella! Ah! he has concluded to bury it—banks are mighty uncertain—even banks of earth, but he don't realize that yet. Don't make his acquaintance till he gets naturalized, and has the wire edge taken off, unless you wish to be most essentially bored. He is a harp of a thousand strings, and will vex your ear with a multitude of tiresome yarns about his personal adventures on the route, hard fare on the steamers, indignation meeting of the steerage passengers, what they resolved to do, what they didn't do, what the captain swore he would do, what the mate said, how an old woman and five children were dreadful sick all the way from New York to Aspinwall, terrible time on the Isthmus, Panamá fever, lost his trunk and paid a big nigger five dollars reward for finding it, has no doubt but it was the same identical nigger who stole it. Arrival in San Francisco, feller tried to rope him into a game of chuck-a-luck, too smart to be caught, surprised at finding that five-franc pieces pass for a dollar; how like thunder they charge for meals on the road from Stockton, and so forth.

"After he has emptied his budget of wonders, he opens his volume of catechisms, and will ask you more foolish questions than it is pleasant to listen to, or profitable to answer—among which you are sure to hear the following: How long does it take a man to make his pile, s'posin' he's industrious? How far is it to the northern mines? Where is the best place for mining in California? How long does the rainy season last? Is it necessary for a man to have an oil-cloth suit? How much will the dirt average from the top down, in Mary Posey county?—and last, unkindest cut of all—when will that water company have their ditch completed? My rule is to stave off his questions, as well as possible, till he comes down to that, which I answer by saying 'next year,' at the same time."

In early times Heinrich Herz came to San Fran-

cisco. It was then the place alike for prince, pianist, and porter. The forests of masts sporting the flags of all nations astonished him; likewise the bustle of business and the confusion of tongues that greeted his ears on landing, but his enthusiasm cooled somewhat when on seeking lodgings he was shown a cloth-lined closet of a bedroom at six dollars a day.

"Never mind," thought he, "is it not something to be the pioneer pianist in these parts?" A knock interrupted his meditations.

"Do not enter," cried Herz. Nevertheless, the door opened, and a slight young man with a fair complexion, long hair, earnest manner, and German accent stood at the entrance.

"Is this the celebrated Heinrich Herz," asked the visitor.

"I am he," replied the pianist, "and if you will come in, you must first permit me to go out, as the room will not hold two."

"I come, sir, on purpose to take you from it; to beg of you to accept a room in my house."

"Ah! you are a hotel keeper."

"No, sir, I am a pianist."

"Pianist," cried Herz, thunderstruck at finding a brother artist before him in the mingled mudflats and sandhills of that town of tents and board shanties planted on a tongue of land at the very outer verge of the earth's confines. "How long have you been here?"

"A year. When I arrived there were but fourteen huts; but I found an Italian who had a piano occupying one of them and giving lessons and concerts. One of his pupils, taking exceptions to his method of training, murdered him, and I inherited his piano and his patrons. I have bought me a house and shall be the happiest of men if Herr Heinrich Herz will accept my hospitality." The invitation was accepted as cordially as it was given. The home was perched on stilts under the brow of a steep hill, and the great

musician, after spending one night in the front room which overlooked the declivity, called to his host:

"You will think me very whimsical, no doubt, but could you without inconvenience give me a room on the other side of the house. I fancied I heard during the night a settling of sleepers and rattling of rocks. All imagination, doubtless; but if you can, please humor me."

"Do as you like," said the young householder, "but rest assured this is one of the safest houses in the city."

Scarcely had they transported the professor's effects to another room than that side of the house fell with a crash. Herz escaped by a miracle; the young man was in despair. "I would not mind, it he exclaimed; "but my piano is gone. It was a poor one it is true, cracked, and of only five octaves; but it answered my purpose; it was my fortune, and now there it lies smashed, and buried in the rubbish."

"Never mind," said Herz, "I have two, and you shall have one of those; so cheer up, and repair your house, while I go and bring them up."

Passing a restaurant he met a man whom he had known in Paris, talking with two others, not extravagantly dressed, but gentlemanly in their appearance. Accosting him, he casually spoke of his errand, and inquired whom he could get to move his pianos.

"I will do it," said his friend, "and these gentlemen will help me."

"But you are not serious?" said Herz.

"Never more so. Everybody works in California." The pianos were well and promptly moved.

"How much is it?" asked Herz of his friend.

"Three hundred dollars," was the reply.

"Three—what?" exclaimed the musician.

"I assure you it is the price," said his friend, in which assertion he was backed by his host, so that, turning it off with a laugh, Herz paid it, and instantly sat down to reckon how many tickets to his concert,

at three dollars each, he would have to sell to pay expenses.

The following is but one of innumerable like matrimonial adventures: A young man of twenty-five arrived in California from one of the southern states in 1849, and settled in Marysville. By the exercise of industry and economy, in 1855 he found himself in possession of money and property to the amount of sixty or eighty thousand dollars. But the poor fellow was wifeless, and hence lonely and dissatisfied. His money did not bring him happiness; his life was passing away, and he making no mark. His existence was incomplete, hollow, comfortless. He must have a wife, and as women in his vicinity were few and scarcely to his liking, he set out for the bay city with matrimonial intent. There he found one whom he concluded to try at a venture, but she would none of him. And so it was with all; those who would marry him, he would not marry; those whom he would marry would not marry him. Giving it up he returned home, a disappointed man.

One day, not long after his return, he happened to meet a friend, a young married woman, at a moment when he was in a confiding humor. He told her the tale of his sore heart, of his attempt and failure, and her sympathies were immediately enlisted. Where is the woman whose blood does not warm in such a cause? The young man was worthy and wealthy. During the conversation his fair friend happened to think of a sister she had left in New Jersey, two years younger, and the counterpart of herself; perhaps she might be induced to come to California and fill the void in this man's affections. She hinted as much to her companion, who eagerly made a direct offer. He agreed to pay all the young woman's expenses out, and to marry her on her arrival. On behalf of her sister, his friend accepted the proposal, forwarded the young man's money to his intended bride, who on re-

ceipt of it came immediately to California and was married. This true tale, with variations, might apply to thousands of marriages during the fast flush times.

In the town of Marysville, in 1853, there lived a man of virtues invisible, but of faults palpable and too apparent. His reputation for honesty, like his form, was lean and angular. He would steal so skillfully, holding in his hands the spoils and peering meanwhile at his victim through the meshes of the law with such consummate cunning that one could do no less than beat him now and then. But such chastisements seemed rather to refresh him than otherwise. He felt all the while that he deserved so much worse at the hands of his fellows than they could give him, that even in his punishments he enjoyed the inestimable privilege of cheating them.

Fortune smiled on skill and industry, and under real estate manipulations, shaving short paper by turning it down one half, and loaning money on good security at ten per cent a month, and managing so as to get all his interest, a portion of his principal, and then cheating the lender out of the collateral pledged, his capital grew rapidly.

But happily for humanity the inevitable laws of traffic preclude the possibility of the eternal success of villainy; otherwise our Napoleon of finance would, ere this, have been the happy owner of all Marysville. Up to this time he had reigned rascal supreme, but now waves of trouble rolled over him, and a horrible incubus settled upon his affairs in the form of two lately-arrived lawyers, keen wiry fellows, hungrier and sharper than himself.

These two briefless sharks rented an office of our financier, the rent after the first quarter to be paid quarterly in advance. Promptly at the expiration of the first three months the cadaverous visage of the landlord, lengthened by the thought of the half year's rent now due, appeared in the lawyer's office, appeared

there day after day, and appeared manifestly dissatisfied. Finally his patience deserted him, and he indulged in the injudicious remark that in his opinion his tenants were a pair of swindling vagabonds, and that they should be incontinently ejected.

Following this remark the landlord stepped out, stepped hastily out of the door, followed by two or three sticks of stove-wood stolen from his own wood pile. Consolation came to him in the form of one of the lawyers, who apologized for the indignity and denounced the conduct of the other, a wicked disgraceful man, thenceforward no longer his associate. Dissolution of partnership was the least reparation he could make the landlord; moreover, he professed to be an honest man; he would pay the rent himself, though parting with his shirt should be the consequence.

But would not the landlord sue and eject the impudent vagabond. It was a simple case, and lawless lawyers should be taught behavior as well as cutthroats. Yes, it was his duty as a wealthy, high-minded citizen, who had the interests of our great American institutions at heart, to do it. The landlord did not like the law, but anger, interest, and pride all urged him on. Suit was brought; the landlord's attorney argued the case for several days; he had plenty of time, he wished to brush up his legal lore, astonish the natives, and earn the respectable sum which reputation and the honor of his profession compelled him to charge his client. The justice decided against the landlord, that being the only way to secure his fee—two ounces. The much-abused tenant then sued the landlord for defamation of character, and summoned his associate as witness.

The unhappy landlord now saw clearly that he had fallen among thieves. Having so long and so sweetly enjoyed cheating, he now might take the pleasure of being cheated. He saw that graceful discretion was better than blustering valor; so he told his tenants that they were welcome to their

room as long as they would favor it with their presence, if so be they would kindly withdraw their suit for damages. The injured but forgiving pair acquiesced. One thing only now remained. A little bill of $500 for professional services on the part of the landlord's attorney. Groaning in spirit the landlord paid it, and the lawyers divided it between them. They also kept the defamation action *in terrorem*, whereat the landlord ever after was very meek.

During the season of 1848–9 some men wintered in the region of Calaveras and Mokelumne, and before spring gold was more plenty than creature comforts. Hence it was that the first spring traders reaped rich harvests.

In February 1849, a man named Ricord, with a body guard of three, to each of whom he paid $400 for two weeks' services for man and horse, started from Staples, then McKenzie's rancho, on the Mokelumne river, for the spot later known as Robinson's ferry on the Stanislaus. Ricord drove nine pack animals loaded with 200 pounds each of assorted goods, composed largely of liquors. The rains had so softened the ground as to greatly impede their progress, but the sales which they made—clay pipes two dollars each; blankets forty dollars a pair; liquor twenty dollars a bottle, one ounce the tin cup full or two dollars a drink: boots forty dollars a pair, and beads, powder, and medicines, weight for weight in gold—this description of barter reconciled the trader to the rain and mud.

Passing Angel's and Carson's, even at that early day regarded as worked out, though later considered good diggings still, they finally reached their point of destination at the foot of Murphy's gulch, on the Stanislaus. No more riotous, roaring camp ever frightened the coyotes of the Sierra drainage. There congregated the diggers from every quarter, and held high carnival as long as their money lasted. Was it

not strange that these men should leave pleasant homes, travel three, six, ten thousand miles, and subject themselves to the discomforts of a houseless Californian winter, for gold, only to pour it into the pocket of the first whisky-seller that came to their camp!

Ricord drove into camp about sunset. For six long weeks the place had been absolutely dry—of whisky. No sooner was it noised abroad that asupply of the bliss-producing poison was at hand, than eager applicants with outstretched hands holding cups, bottles, kettles, bowls, dishes, anything that would hold water, approached from every direction, craving each a portion as eagerly as if a draught of it conferred upon them immortality.

Whereunto shall we liken the tapping of those whiskey kegs in that uproarious camp of the gold-diggers? It was like the opening of Pandora's box which should let fly all the evils incident to man; or like the mud-born serpent Python crushing all within its coils; or like the Harpyiæ sweeping flighty souls away in the storm wind; or like the Eumenides taking from men all peace of mind and leading them into misery and misfortune. The flow of this fiery liquid was like the pouring out of the seven vials of wrath by the apocalyptic angels, which should send abroad disease, turn elements of life into elements of death; which should scorch with fire, darken the intellect, dry up the affections, and cause men to blaspheme the God of heaven because of their pains and sores; or like the surgings of the river of Erebus, the dark and gloomy passage to stygian realms.

For all these ills, and more, it would require to consummate the scene that followed. In less than an hour were heard the ominous breathings of the approaching storm. By nine o'clock there was scarcely a sober man in camp. On every side was rioting, hair-pulling, striking, brandishing of knives, and firing of pistols, accompanied with no little blood-letting. All nature was that night intoxicated. Even the

river seemed to reel, and the hills and sky to roll together in sudden drunkenness. The morning sun, bleareyed and red, rose upon a picture disgusting, damnable. Scattered about the streets, stretched at full length on their backs, and sides, and faces, under logs and beside their cloth houses, were mingled promiscuously tamed men of Europe, Asia, and Africa, and mild mannered women of America, drunk, dead drunk, and drunk dead. And lighted by that sorrowful sun Ricord left them there; left with them and in them every drop of his detestable poison; but carried away gold, as much as he could several times lift.

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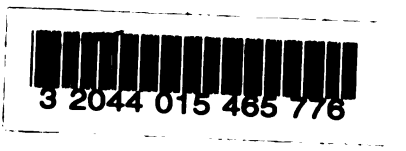

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